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Legislative History – Montana Session Law

Chapter: 480 Session L: 2005
Bill Number: HB 395

Checklist of Bill History

History and Final Status Sheet
Introduced Bill
Fiscal Note
Third Reading Bill
Final Version of Bill

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House

Committee: Human Services
And Appropriations

Hearing Date(s): (HS) 2/2/2005
(App) 3/14/2005

Committee Report: 3/23/2005

Senate

Committee: Judiciary

Hearing Date(s): 4/4/2005

Committee Report: 4/4/2005

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: SK Marshall

Date: Nov. 12, 2025

Notes: Audio/Video recordings can be found here:

<https://sg001-harmony.sliq.net/00309/Harmony/en>

Thank you!

Exported Data

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
04/29/05	Chapter Number Assigned				
04/28/05	(H) Signed by Governor				
04/19/05	(H) Transmitted to Governor				
04/19/05	(S) Signed by President				
04/18/05	(H) Signed by Speaker				
04/16/05	(C) Printed - New Version Available				
04/14/05	(H) Returned from Enrolling				
04/13/05	(H) Sent to Enrolling				
04/13/05	(H) 3rd Reading Passed as Amended by Senate		89	11	
04/13/05	(H) Scheduled for 3rd Reading				
04/12/05	(H) 2nd Reading Senate Amendments Concurred		91	8	
04/12/05	(H) Scheduled for 2nd Reading				
04/06/05	(S) Returned to House with Amendments				
04/06/05	(S) 3rd Reading Concurred		45	5	
04/06/05	(S) Scheduled for 3rd Reading				
04/05/05	(S) 2nd Reading Concurred on Voice Vote		50	0	
04/05/05	(S) Scheduled for 2nd Reading				
04/04/05	(C) Printed - New Version Available				
04/04/05	(S) Committee Report--Bill Concurred as Amended	(S) Judiciary			
04/04/05	(S) Committee Executive Action--Bill Concurred as Amended	(S) Judiciary	12	0	
04/04/05	(S) Hearing	(S) Judiciary			
03/31/05	(S) Hearing Canceled	(S) Judiciary			
03/29/05	(S) Referred to Committee	(S) Judiciary			
03/29/05	(S) First Reading				
03/29/05	(H) Transmitted to Senate				
03/29/05	(H) 3rd Reading Passed		82	17	
03/29/05	(H) Scheduled for 3rd Reading				
03/24/05	(H) 2nd Reading Passed		80	18	
03/24/05	(H) Scheduled for 2nd Reading				
03/23/05	(C) Printed - New Version Available				
03/23/05	(H) Committee Report--Bill Passed as Amended	(H) Appropriations			
03/23/05	(H) Committee Executive Action--Bill Passed as Amended	(H) Appropriations	16	4	

Date	Action	Committee	Votes (Yes)	Votes (No)	Media
03/14/05	(H) Hearing	(H) Appropriations			
03/08/05	(H) Hearing Canceled	(H) Appropriations			
02/19/05	(H) Rereferred to Committee	(H) Appropriations	80	18	
02/02/05	(H) Hearing	(H) Human Services			
02/01/05	(H) Fiscal Note Printed				
01/28/05	(H) Fiscal Note Received				
01/21/05	(C) Introduced Bill Text Available Electronically				
01/21/05	(H) Referred to Committee	(H) Human Services			
01/21/05	(H) Fiscal Note Requested				
01/21/05	(H) First Reading				
01/21/05	(H) Introduced				
01/18/05	(C) Draft Delivered to Requester				
01/17/05	(C) Draft Ready for Delivery				
01/15/05	(C) Draft in Assembly/Executive Director Review				
01/14/05	(C) Draft in Final Drafter Review				
01/13/05	(C) Bill Draft Text Available Electronically				
01/13/05	(C) Draft in Input/Proofing				
01/13/05	(C) Draft to Drafter - Edit Review [JLN]				
01/13/05	(C) Draft in Edit				
01/13/05	(C) Draft in Legal Review				
12/29/04	(C) Draft to Requester for Review				
12/28/04	(C) Fiscal Note Probable				
12/28/04	(C) Draft Request Received				

FISCAL NOTE

Bill #:

HB0395

Primary Sponsor:

A. Becker

Title:

Revise responsibility for cost of examination and detention of mental disorder

Status:

Second Reading - Revised

Sponsor signature

Date

David Ewer, Budget Director

Date

Fiscal Summary		FY 2006 <u>Difference</u>	FY 2007 <u>Difference</u>
Expenditures:			
General Fund		\$0	\$0
Revenue:			
General Fund		\$0	\$0
Net Impact on General Fund Balance:		\$0	\$0

☐ Significant Local Gov. Impact

☐ Included in the Executive Budget

☐ Dedicated Revenue Form Attached

☐ Technical Concerns

☐ Significant Long-Term Impacts

☐ Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. New Section, Section 2 of this bill requires the Department of Public Health and Human Services (DPHHS) to work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments.

2. Any costs associated with DPHHS working with county attorneys and commissioners on this study will be absorbed within existing agency funding.

3. This bill has no fiscal impact to the state.



AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE IS RESPONSIBLE FOR THOSE COSTS; AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of ~~precommitment examination, detention, treatment, and psychiatric precommitment examination, detention, treatment, and~~ taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid ~~by the county in which the person resides at the time that the person is committed~~ pursuant to subsection (2)(a). The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) (a) ~~The county of residence shall also pay all~~ The costs of precommitment expenses, including transportation to a mental health facility, incurred in connection with the psychiatric detention, precommitment psychiatric examination, and precommitment custody psychiatric treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

(i) the respondent, the parent or guardian of a respondent who is a minor, or the respondent's private insurance carrier, if any;

(ii) a public assistance program, such as medicaid, for a qualifying respondent; or

(iii) the county of residence of the respondent in an amount not to exceed the amount paid for the service by a public assistance program.

(b) ~~However, the~~ The county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which

the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

Section 2. Cost study. The department of public health and human services shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee.

Section 3. Effective date. [This act] is effective July 1, 2005.

- END -

I hereby certify that the within bill,
HB 0395, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 395

INTRODUCED BY BECKER, EATON, DRISCOLL, GRINDE

AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE IS RESPONSIBLE FOR THOSE COSTS; AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 395

INTRODUCED BY BECKER, EATON, DRISCOLL, GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE ~~OR THE STATE IS RESPONSIBLE FOR THOSE COSTS; PROVIDING FOR COUNTY RESPONSIBILITY FOR COSTS IF A PERSON IS NOT COMMITTED AND STATE RESPONSIBILITY FOR COSTS IF A PERSON IS COMMITTED; AMENDING SECTIONS 53-21-113, 53-21-118, 53-21-120, 53-21-128, AND~~ AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

———— **Section 1.** Section 53-21-113, MCA, is amended to read:

———— **"53-21-113. Costs of committing a patient already voluntarily admitted -- transportation costs for voluntary admission.** (1) The cost of involuntarily committing a patient who is voluntarily admitted to a mental health facility at the time the involuntary proceedings are commenced must be paid by the county of the patient's residence at the time of admission ~~as provided in 53-21-132(2).~~

———— (2) The costs of transportation to a mental health facility under 53-21-111 and 53-21-112 must be provided by the local office of public assistance located in the county of the patient's residence. However, if protective proceedings under Title 72, chapter 5, have been or are initiated with respect to the person, the local office of public assistance may seek reimbursement. If no one else is available to transport the person, the sheriff shall transport the person."

———— **Section 2.** Section 53-21-118, MCA, is amended to read:

———— **"53-21-118. Right to examination by professional person of own choosing.** (1) The respondent, his ~~the respondent's~~ attorney, or the friend of respondent appointed by the court may secure a professional person of his ~~the respondent's, the respondent's attorney, or the friend of respondent's~~ own choice to examine the respondent and to testify at the hearing before the court or jury as to the results of his ~~the professional person's~~ examination:

———— (2) If the person wishing to secure the testimony of a professional person is unable to do so because

of financial reasons and if the respondent joins in the request for the examination, the court shall appoint a professional person other than the professional person requesting the commitment to perform the examination. Whenever possible, the court shall allow the respondent a reasonable choice of an available professional person qualified to perform the requested examination who will must be compensated from the public funds of the county where the respondent resides if the respondent is not committed and by the state if the person is committed."

———— **Section 3.** Section 53-21-120, MCA, is amended to read:

———— **"53-21-120. Detention to be in least restrictive environment -- preference for mental health facility -- court relief -- prehearing detention of mentally ill person prohibited.** (1) A person detained pursuant to this part must be detained in the least restrictive environment required to protect the life and physical safety of the person detained or members of the public; in this respect In determining the least restrictive environment, the prevention of significant injury to property may be considered.

———— (2) Whenever possible, a person detained pursuant to this part must be detained in a mental health facility and in the county of residence. If the person detained demands a jury trial and the trial cannot be held within 7 days, subject to the provisions in 53-21-193, the individual person may be sent to the state hospital or a behavioral health inpatient facility until the time of trial if arrangements can be made to return the person to trial. The trial must be held within 30 days. The county of residence shall pay the cost of travel and professional services associated with the trial if the person is not committed. The state shall pay the cost of travel and professional services associated with the trial if the person is committed. A person may not be detained in any hospital or other medical facility that is not a mental health facility unless the hospital or facility has agreed in writing to admit the person.

———— (3) A person may not be detained pursuant to this part in a jail or other correctional facility.

———— (4) A person detained prior to involuntary commitment may apply to the court for immediate relief with respect to the need for detention or the adequacy of the facility being utilized used to detain."

———— **Section 4.** Section 53-21-128, MCA, is amended to read:

———— **"53-21-128. Petition for extension of commitment period.** (1)(a) Not less than 2 calendar weeks prior to the end of the 3-month period of commitment to the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center or the period of commitment to a community facility or program or a course of treatment provided for in 53-21-127, the professional person in charge of the patient at the place of commitment may petition the district court in the county where the patient is committed for extension of the

~~commitment period unless otherwise ordered by the original committing court. The petition must be accompanied by a written report and evaluation of the patient's mental and physical condition. The report must describe any tests and evaluation devices that have been employed in evaluating the patient, the course of treatment that was undertaken for the patient, and the future course of treatment anticipated by the professional person.~~

~~——— (b) Upon the filing of the petition, the court shall give written notice of the filing of the petition to the patient, the patient's next of kin, if reasonably available, the friend of respondent appointed by the court, and the patient's counsel. If any person notified requests a hearing prior to the termination of the previous commitment authority, the court shall immediately set a time and place for a hearing on a date not more than 10 days, not including Saturdays, Sundays, and holidays, from the receipt of the request and notify the same people, including the professional person in charge of the patient. When a hearing is requested less than 10 days prior to the termination of the previous commitment authority, the previous commitment is considered extended until the hearing is held. The notice of hearing must include a notice of this extension. If a hearing is not requested, the court shall enter an order of commitment for a period not to exceed 6 months.~~

~~——— (c) Procedure on the petition for extension when a hearing has been requested must be the same in all respects as the procedure on the petition for the original 3-month commitment, except that the patient is not entitled to a trial by jury. The hearing must be held in the district court having jurisdiction over the facility in which the patient is detained unless otherwise ordered by the court. Court costs and witness fees, if any, must be paid by the county that paid the same costs in the initial commitment proceedings state.~~

~~——— (d) If upon the hearing the court finds the patient not to be suffering from a mental disorder and requiring commitment within the meaning of this part, the patient must be discharged and the petition dismissed. If the court finds that the patient continues to suffer from a mental disorder and to require commitment, the court shall order commitment as set forth in 53-21-127. However, an order extending the commitment period may not affect the patient's custody for more than 6 months and may not commit the patient to a behavioral health inpatient facility. In its order, the court shall describe what alternatives for treatment of the patient are available, what alternatives were investigated, and why the investigated alternatives were not found suitable. The court may not order continuation of an alternative that does not include a comprehensive, individualized plan of treatment for the patient. A court order for the continuation of an alternative must include a specific finding that a comprehensive, individualized plan of treatment exists.~~

~~——— (2) Prior to the end of the period of commitment to a community facility or program or course of treatment, a respondent may request that the treating provider petition the district court for an extension of the commitment order. The petition must be accompanied by a written report and evaluation of the respondent's~~

mental and physical condition, an updated treatment plan, and a written statement by the respondent that an extension is desired. The extension procedure must follow the procedure required in subsections (1)(b) through (1)(d):

——— (3) Further extensions under subsection (1) or (2) may be obtained under the same procedure described in subsection (1). However, the patient's custody may not be affected for more than 1 year without a renewal of the commitment under the procedures set forth in subsection (1), including a statement of the findings required by subsection (1)."

Section 1. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of ~~precommitment examination, detention, treatment, and~~ PSYCHIATRIC PRECOMMITMENT EXAMINATION, DETENTION, TREATMENT, AND taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid by the county in which the person resides at the time that the person is committed PURSUANT TO SUBSECTION (2)(A). The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) (a) The county of residence shall also pay all Subject to subsection (2)(b), the costs of THE COUNTY OF RESIDENCE SHALL ALSO PAY ALL THE COSTS OF precommitment expenses, including transportation to a mental health facility, incurred in connection with the PSYCHIATRIC detention, precommitment PSYCHIATRIC examination, and precommitment custody PSYCHIATRIC treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

(i) the RESPONDENT, THE PARENT OR GUARDIAN OF A RESPONDENT WHO IS A MINOR, OR THE respondent's private insurance carrier, if any;

(ii) a public assistance program, such as medicaid, for a qualifying respondent; OR

(iii) the county of residence of the respondent if the respondent is not committed; or

——— (iv) the state if the respondent is committed IN AN AMOUNT NOT TO EXCEED THE AMOUNT PAID FOR THE SERVICE BY A PUBLIC ASSISTANCE PROGRAM.

(b) However, the The county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic

audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

NEW SECTION. **SECTION 2. COST STUDY.** THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL WORK WITH COUNTY ATTORNEYS AND COUNTY COMMISSIONERS TO ASCERTAIN THE ACTUAL PRECOMMITMENT COSTS OF INVOLUNTARY COMMITMENTS AND PRESENT THAT INFORMATION AND ANY FINDINGS AND RECOMMENDATIONS TO THE 2007 LEGISLATURE THROUGH AN APPROPRIATE INTERIM COMMITTEE.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

- END -

HOUSE BILL NO. 395

INTRODUCED BY BECKER, EATON, DRISCOLL, GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE ~~OR THE STATE IS RESPONSIBLE FOR THOSE COSTS; PROVIDING FOR COUNTY RESPONSIBILITY FOR COSTS IF A PERSON IS NOT COMMITTED AND STATE RESPONSIBILITY FOR COSTS IF A PERSON IS COMMITTED; AMENDING SECTIONS 53-21-113, 53-21-118, 53-21-120, 53-21-128, AND~~ AMENDING SECTION 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

———— **Section 1.** ~~Section 53-21-113, MCA, is amended to read:~~

———— **"53-21-113. Costs of committing a patient already voluntarily admitted -- transportation costs for voluntary admission.** (1) ~~The cost of involuntarily committing a patient who is voluntarily admitted to a mental health facility at the time the involuntary proceedings are commenced must be paid by the county of the patient's residence at the time of admission as provided in 53-21-132(2).~~

———— (2) ~~The costs of transportation to a mental health facility under 53-21-111 and 53-21-112 must be provided by the local office of public assistance located in the county of the patient's residence. However, if protective proceedings under Title 72, chapter 5, have been or are initiated with respect to the person, the local office of public assistance may seek reimbursement. If no one else is available to transport the person, the sheriff shall transport the person."~~

———— **Section 2.** ~~Section 53-21-118, MCA, is amended to read:~~

———— **"53-21-118. Right to examination by professional person of own choosing.** (1) ~~The respondent, his the respondent's attorney, or the friend of respondent appointed by the court may secure a professional person of his the respondent's, the respondent's attorney, or the friend of respondent's own choice to examine the respondent and to testify at the hearing before the court or jury as to the results of his the professional person's examination.~~

———— (2) ~~If the person wishing to secure the testimony of a professional person is unable to do so because~~

of financial reasons and if the respondent joins in the request for the examination, the court shall appoint a professional person other than the professional person requesting the commitment to perform the examination. Whenever possible, the court shall allow the respondent a reasonable choice of an available professional person qualified to perform the requested examination who will must be compensated from the public funds of the county where the respondent resides if the respondent is not committed and by the state if the person is committed."

———— **Section 3.** Section 53-21-120, MCA, is amended to read:

———— **"53-21-120. Detention to be in least restrictive environment -- preference for mental health facility -- court relief -- prehearing detention of mentally ill person prohibited.** (1) A person detained pursuant to this part must be detained in the least restrictive environment required to protect the life and physical safety of the person detained or members of the public; in this respect In determining the least restrictive environment, the prevention of significant injury to property may be considered.

———— (2) Whenever possible, a person detained pursuant to this part must be detained in a mental health facility and in the county of residence. If the person detained demands a jury trial and the trial cannot be held within 7 days, subject to the provisions in 53-21-193, the individual person may be sent to the state hospital or a behavioral health inpatient facility until the time of trial if arrangements can be made to return the person to trial. The trial must be held within 30 days. The county of residence shall pay the cost of travel and professional services associated with the trial if the person is not committed. The state shall pay the cost of travel and professional services associated with the trial if the person is committed. A person may not be detained in any hospital or other medical facility that is not a mental health facility unless the hospital or facility has agreed in writing to admit the person.

———— (3) A person may not be detained pursuant to this part in a jail or other correctional facility.

———— (4) A person detained prior to involuntary commitment may apply to the court for immediate relief with respect to the need for detention or the adequacy of the facility being utilized used to detain."

———— **Section 4.** Section 53-21-128, MCA, is amended to read:

———— **"53-21-128. Petition for extension of commitment period.** (1)(a) Not less than 2 calendar weeks prior to the end of the 3-month period of commitment to the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center or the period of commitment to a community facility or program or a course of treatment provided for in 53-21-127, the professional person in charge of the patient at the place of commitment may petition the district court in the county where the patient is committed for extension of the

~~commitment period unless otherwise ordered by the original committing court. The petition must be accompanied by a written report and evaluation of the patient's mental and physical condition. The report must describe any tests and evaluation devices that have been employed in evaluating the patient, the course of treatment that was undertaken for the patient, and the future course of treatment anticipated by the professional person.~~

~~———(b) Upon the filing of the petition, the court shall give written notice of the filing of the petition to the patient, the patient's next of kin, if reasonably available, the friend of respondent appointed by the court, and the patient's counsel. If any person notified requests a hearing prior to the termination of the previous commitment authority, the court shall immediately set a time and place for a hearing on a date not more than 10 days, not including Saturdays, Sundays, and holidays, from the receipt of the request and notify the same people, including the professional person in charge of the patient. When a hearing is requested less than 10 days prior to the termination of the previous commitment authority, the previous commitment is considered extended until the hearing is held. The notice of hearing must include a notice of this extension. If a hearing is not requested, the court shall enter an order of commitment for a period not to exceed 6 months.~~

~~———(c) Procedure on the petition for extension when a hearing has been requested must be the same in all respects as the procedure on the petition for the original 3-month commitment, except that the patient is not entitled to a trial by jury. The hearing must be held in the district court having jurisdiction over the facility in which the patient is detained unless otherwise ordered by the court. Court costs and witness fees, if any, must be paid by the county that paid the same costs in the initial commitment proceedings state.~~

~~———(d) If upon the hearing the court finds the patient not to be suffering from a mental disorder and requiring commitment within the meaning of this part, the patient must be discharged and the petition dismissed. If the court finds that the patient continues to suffer from a mental disorder and to require commitment, the court shall order commitment as set forth in 53-21-127. However, an order extending the commitment period may not affect the patient's custody for more than 6 months and may not commit the patient to a behavioral health inpatient facility. In its order, the court shall describe what alternatives for treatment of the patient are available, what alternatives were investigated, and why the investigated alternatives were not found suitable. The court may not order continuation of an alternative that does not include a comprehensive, individualized plan of treatment for the patient. A court order for the continuation of an alternative must include a specific finding that a comprehensive, individualized plan of treatment exists.~~

~~———(2) Prior to the end of the period of commitment to a community facility or program or course of treatment, a respondent may request that the treating provider petition the district court for an extension of the commitment order. The petition must be accompanied by a written report and evaluation of the respondent's~~

mental and physical condition, an updated treatment plan, and a written statement by the respondent that an extension is desired. The extension procedure must follow the procedure required in subsections (1)(b) through (1)(d):

———(3) Further extensions under subsection (1) or (2) may be obtained under the same procedure described in subsection (1). However, the patient's custody may not be affected for more than 1 year without a renewal of the commitment under the procedures set forth in subsection (1), including a statement of the findings required by subsection (1)."

Section 1. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of ~~precommitment examination, detention, treatment, and~~ PSYCHIATRIC PRECOMMITMENT EXAMINATION, DETENTION, TREATMENT, AND taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid by the county in which the person resides at the time that the person is committed. The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) ~~(a) The county of residence shall also pay all~~ Subject to subsection (2)(b), the costs of THE COUNTY OF RESIDENCE SHALL ALSO PAY ALL precommitment expenses, including transportation to a mental health facility, incurred in connection with the PSYCHIATRIC detention, precommitment PSYCHIATRIC examination, and precommitment custody PSYCHIATRIC treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

(i) the RESPONDENT, THE PARENT OR GUARDIAN OF A RESPONDENT WHO IS A MINOR, OR THE respondent's private insurance carrier, if any;

(ii) a public assistance program, such as medicaid, for a qualifying respondent; OR

(iii) the county of residence of the respondent if the respondent is not committed; or

———(iv) the state if the respondent is committed IN AN AMOUNT NOT TO EXCEED THE AMOUNT PAID FOR THE SERVICE BY A PUBLIC ASSISTANCE PROGRAM.

(b) However, the The county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary

commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

NEW SECTION. **SECTION 2. COST STUDY.** THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL WORK WITH COUNTY ATTORNEYS AND COUNTY COMMISSIONERS TO ASCERTAIN THE ACTUAL PRECOMMITMENT COSTS OF INVOLUNTARY COMMITMENTS AND PRESENT THAT INFORMATION AND ANY FINDINGS AND RECOMMENDATIONS TO THE 2007 LEGISLATURE THROUGH AN APPROPRIATE INTERIM COMMITTEE.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

- END -

HOUSE BILL NO. 395
INTRODUCED BY A. BECKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIVATE INSURER OR PUBLIC ASSISTANCE PROGRAM IS RESPONSIBLE FOR THE COSTS OF PRECOMMITMENT DETENTION, EXAMINATION, AND TREATMENT OF A RESPONDENT IN A MENTAL HEALTH COMMITMENT PROCEEDING BEFORE THE COUNTY OF RESIDENCE OR THE STATE IS RESPONSIBLE FOR THOSE COSTS; PROVIDING FOR COUNTY RESPONSIBILITY FOR COSTS IF A PERSON IS NOT COMMITTED AND STATE RESPONSIBILITY FOR COSTS IF A PERSON IS COMMITTED; AMENDING SECTIONS 53-21-113, 53-21-118, 53-21-120, 53-21-128, AND 53-21-132, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-21-113, MCA, is amended to read:

"53-21-113. Costs of committing a patient already voluntarily admitted -- transportation costs for voluntary admission. (1) The cost of involuntarily committing a patient who is voluntarily admitted to a mental health facility at the time the involuntary proceedings are commenced must be paid ~~by the county of the patient's residence at the time of admission~~ as provided in 53-21-132(2).

(2) The costs of transportation to a mental health facility under 53-21-111 and 53-21-112 must be provided by the local office of public assistance located in the county of the patient's residence. However, if protective proceedings under Title 72, chapter 5, have been or are initiated with respect to the person, the local office of public assistance may seek reimbursement. If no one else is available to transport the person, the sheriff shall transport the person."

Section 2. Section 53-21-118, MCA, is amended to read:

"53-21-118. Right to examination by professional person of own choosing. (1) The respondent, ~~his~~ the respondent's attorney, or the friend of respondent appointed by the court may secure a professional person of ~~his~~ the respondent's, the respondent's attorney, or the friend of respondent's own choice to examine the respondent and to testify at the hearing before the court or jury as to the results of ~~his~~ the professional person's examination.

(2) If the person wishing to secure the testimony of a professional person is unable to do so because

of financial reasons and if the respondent joins in the request for the examination, the court shall appoint a professional person other than the professional person requesting the commitment to perform the examination. Whenever possible, the court shall allow the respondent a reasonable choice of an available professional person qualified to perform the requested examination who ~~will~~ must be compensated from the public funds of the county where the respondent resides if the respondent is not committed and by the state if the person is committed."

Section 3. Section 53-21-120, MCA, is amended to read:

"53-21-120. Detention to be in least restrictive environment -- preference for mental health facility -- court relief -- prehearing detention of mentally ill person prohibited. (1) A person detained pursuant to this part must be detained in the least restrictive environment required to protect the life and physical safety of the person detained or members of the public; ~~in this respect~~ In determining the least restrictive environment, the prevention of significant injury to property may be considered.

(2) Whenever possible, a person detained pursuant to this part must be detained in a mental health facility and in the county of residence. If the person detained demands a jury trial and the trial cannot be held within 7 days, subject to the provisions in 53-21-193, the ~~individual person~~ may be sent to the state hospital or a behavioral health inpatient facility until the time of trial if arrangements can be made to return the person to trial. The trial must be held within 30 days. The county of residence shall pay the cost of travel and professional services associated with the trial if the person is not committed. The state shall pay the cost of travel and professional services associated with the trial if the person is committed. A person may not be detained in any hospital or other medical facility that is not a mental health facility unless the hospital or facility has agreed in writing to admit the person.

(3) A person may not be detained pursuant to this part in a jail or other correctional facility.

(4) A person detained prior to involuntary commitment may apply to the court for immediate relief with respect to the need for detention or the adequacy of the facility being ~~utilized~~ used to detain."

Section 4. Section 53-21-128, MCA, is amended to read:

"53-21-128. Petition for extension of commitment period. (1)(a) Not less than 2 calendar weeks prior to the end of the 3-month period of commitment to the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center or the period of commitment to a community facility or program or a course of treatment provided for in 53-21-127, the professional person in charge of the patient at the place of commitment may petition the district court in the county where the patient is committed for extension of the

commitment period unless otherwise ordered by the original committing court. The petition must be accompanied by a written report and evaluation of the patient's mental and physical condition. The report must describe any tests and evaluation devices that have been employed in evaluating the patient, the course of treatment that was undertaken for the patient, and the future course of treatment anticipated by the professional person.

(b) Upon the filing of the petition, the court shall give written notice of the filing of the petition to the patient, the patient's next of kin, if reasonably available, the friend of respondent appointed by the court, and the patient's counsel. If any person notified requests a hearing prior to the termination of the previous commitment authority, the court shall immediately set a time and place for a hearing on a date not more than 10 days, not including Saturdays, Sundays, and holidays, from the receipt of the request and notify the same people, including the professional person in charge of the patient. When a hearing is requested less than 10 days prior to the termination of the previous commitment authority, the previous commitment is considered extended until the hearing is held. The notice of hearing must include a notice of this extension. If a hearing is not requested, the court shall enter an order of commitment for a period not to exceed 6 months.

(c) Procedure on the petition for extension when a hearing has been requested must be the same in all respects as the procedure on the petition for the original 3-month commitment, except that the patient is not entitled to a trial by jury. The hearing must be held in the district court having jurisdiction over the facility in which the patient is detained unless otherwise ordered by the court. Court costs and witness fees, if any, must be paid by the county that paid the same costs in the initial commitment proceedings state.

(d) If upon the hearing the court finds the patient not to be suffering from a mental disorder and requiring commitment within the meaning of this part, the patient must be discharged and the petition dismissed. If the court finds that the patient continues to suffer from a mental disorder and to require commitment, the court shall order commitment as set forth in 53-21-127. However, an order extending the commitment period may not affect the patient's custody for more than 6 months and may not commit the patient to a behavioral health inpatient facility. In its order, the court shall describe what alternatives for treatment of the patient are available, what alternatives were investigated, and why the investigated alternatives were not found suitable. The court may not order continuation of an alternative that does not include a comprehensive, individualized plan of treatment for the patient. A court order for the continuation of an alternative must include a specific finding that a comprehensive, individualized plan of treatment exists.

(2) Prior to the end of the period of commitment to a community facility or program or course of treatment, a respondent may request that the treating provider petition the district court for an extension of the commitment order. The petition must be accompanied by a written report and evaluation of the respondent's

mental and physical condition, an updated treatment plan, and a written statement by the respondent that an extension is desired. The extension procedure must follow the procedure required in subsections (1)(b) through (1)(d).

(3) Further extensions under subsection (1) or (2) may be obtained under the same procedure described in subsection (1). However, the patient's custody may not be affected for more than 1 year without a renewal of the commitment under the procedures set forth in subsection (1), including a statement of the findings required by subsection (1)."

Section 5. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of ~~precommitment examination, detention, treatment, and~~ taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid by the county in which the person resides at the time that the person is committed. The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) ~~(a) The county of residence shall also pay all~~ Subject to subsection (2)(b), the costs of precommitment expenses, including transportation to a mental health facility, incurred in connection with the detention, precommitment examination, and precommitment custody treatment of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123 must be billed to the following entities in the listed order of priority:

- (i) the respondent's private insurance carrier, if any;
- (ii) a public assistance program, such as medicaid, for a qualifying respondent;
- (iii) the county of residence of the respondent if the respondent is not committed; or
- (iv) the state if the respondent is committed.

~~(b) However, the~~ The county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2005.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **VICE CHAIRMAN TOM FACEY**, on February 2, 2005
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Arlene Becker, Chairman (D)
Rep. Tom Facey, Vice Chairman (D)
Rep. Don Roberts, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Pat Wagman (R)
Rep. Bill Warden (R)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. William J. Jones (R)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 395, 1/27/2005
Executive Action: HB 24, Do Pass As Amended
HB 25, Do Pass As Amended
HB 26, Do Pass As Amended
HB 31, Tabled; HB 59, Tabled
HB 217, Tabled; HB 289, Tabled

HEARING ON HB 395**Sponsor:** REP. ARLENE BECKER, HD 52, BILLINGS**Opening Statement by Sponsor:**

REP. ARLENE BECKER opened the hearing on HB 395 which would revise responsibility for the cost of examination and detention of a person with a mental disorder. The bill was requested by county commissioners across the state. Pre-commitment costs are detention, examination and treatment while the person waits to be committed to a mental health facility like Warm Springs or another mental health center. Currently, the pre-commitment costs are the responsibility of the county of the residence of the person who is being committed. HB 395 would change the responsibility first to the person's insurance carrier, next to a public assistance program (if they qualified), then if they are not committed, the county would pick up that cost. If they are ultimately committed, the state would pick up that cost. REP. BECKER felt that this was a fairness issue. However, if the state would pick up those costs, the counties would be able to put more money into their local efforts on mental illness and commitment. REP. BECKER handed in testimony from Dale Bickell, CPA, Chief Financial Officer, Missoula County Board of County Commissioners.

EXHIBIT (huh26a01)***{Tape: 1; Side: A; Approx. Time Counter: 0 - 4}*****Proponents' Testimony:**

Bill Kennedy, Yellowstone County Commissioner, President of the Montana Association of Counties, stated that this was not a new issue but needed to be addressed. The bill would help local governments. The costs for pre-commitments are borne by the county until commitment takes place. Different programs have been cut in local communities and the number of people needing services goes up. In Yellowstone County, pre-commitment costs for 2002 were \$182,588; in 2003, \$231,334; and in 2004, \$222,982. A night of evaluation at Deaconess Hospital is approximately \$1,000. Most evaluations take about five to seven days. Pre-commitment costs are from \$5,000 to \$7,000. There are transportation costs as well. Private insurance companies, Medicaid and the state could help off-set some of these costs. The counties would be the payer of last resort. There have been discussions about emergency care centers. When funding is cut for drop-in centers such as the Hub in Yellowstone County, the only game in town is through the evaluation process. County jails are becoming hotels for people with mental illness. Counties are in a crisis. The counties want to work in

partnership with the State of Montana. He handed in testimony from Leslie Halligan, Missoula County Attorney.

EXHIBIT(huh26a02)

{Tape: 1; Side: A; Approx. Time Counter: 4 - 11.4}

Doug Kaercher, Hill County Commissioner, told the committee that Hill County had budgeted \$24,500. Last year they spent about \$5,000. This year they have already spent \$24,288. They are just a little over half way through their year. They have little or no control over how the courts deal with respondents. Their county does not have enough money to deal with these costs.

{Tape: 1; Side: A; Approx. Time Counter: 11.4 - 13.3}

Mike McGinly, Beaverhead County Commissioner, supported the bill. Budgeting for mental health commitment is tough to do. Three years ago they budgeted \$12,500. In 2003 the budget doubled to \$24,000 and last year they went over \$40,000. It just keeps jumping up. They need help because their options are not pleasant. It ends up being the jail house or sending them down the road.

{Tape: 1; Side: A; Approx. Time Counter: 13.3 - 15.1}

Jerome Kolar, Judith Basin County Commissioner, stood in support of HB 395. Judith Basin is finding out how expensive the current law is. He related a story of one of their residents. The individual was hospitalized for 10 days. With other costs included, Judith Basin received a bill for \$29,000. About a year later, the same individual was diagnosed with cancer. The doctors agreed the person was a candidate for Warm Springs. Because of other underlying medical problems, Warm Springs denied admittance. After the fact, they found out that was not true. The patient has just now been admitted to Warm Springs and the county figures the cost is going to be \$50,000. This is not good for a small county.

{Tape: 1; Side: A; Approx. Time Counter: 15.1 - 19.3}

Elaine Mann, Broadwater County Commissioner, informed the committee that after St. Peter closed their psychiatric ward, Broadwater County, having no hospital, puts these people in jail. They have transportation costs for transporting them to their court dates and their evaluations. Their law enforcement covers both and they have only one deputy. The problem is more than just the dollars. She urged a do pass.

{Tape: 1; Side: A; Approx. Time Counter: 19.3 - 20.8}

Carl Seilstad, Fergus County Commissioner, concurred with the previous commissioners and supported the bill.

Jani McCall, Deaconess Billings Clinic (DBC), stood in strong support of the bill. She gave statistics on how much the county is spending on mental illness. For the current fiscal year, they had budgeted 6,206 days for adult care. At the end of December, 4,089 days had already been used. This is just half of the fiscal year. DBC funds over \$14 million in charity care and their bad debts are overwhelming.

{Tape: 1; Side: A; Approx. Time Counter: 20.8 - 24.4}

Leo Gallagher, Lewis & Clark County Attorney and Montana County Attorneys Association, said that HB 395 is important because it clearly defines who will pay for pre-commitment costs. No one wants to pay so there is a perpetual dance between insurance companies, Medicare, Medicaid, counties, etc. The system is broken. Montana has a statewide problem on treating mentally ill people. The people who are caught up in this dilemma are the ones who need treatment. Many of these people have a co-occurring diagnosis. The larger counties may not feel the cost as much; but they do get hit harder because they have services available for those from smaller counties.

{Tape: 1; Side: A; Approx. Time Counter: 24.4 - 30}

Mary Phippen, Montana Association of Clerks of District Court, said they were well aware of the increased pre-commitment costs to local government. They urged support of the bill.

Bob Ross, Director, South Central Montana Community Medical Center, Billings and on behalf of Frank Lane, Executive Director, Eastern Montana Medical Center, Miles City, explained that between the two Centers, they provide mental health services to 27 counties. An important issue is why the costs are going up and where are the people coming from. At least 50% of the new admissions at the state hospital have no treatment history in Montana. Half of the people seen in emergency rooms have no prior treatment history. These people are either new to the county or passing through. A person passing through a county, who is picked up, becomes the obligation of that county. Counties on the freeways see more of these people. Without a state policy, they do not know what to do with these uninsured, unfunded new people. He urged support for the bill.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3}

Opponents' Testimony:

Joyce DeCunzo, Administrator, Addiction and Mental Disorders Division, DPHHS, stated that it is difficult to rise in opposition. On the point of a policy question, there are, currently in law, two groups responsible: one is the county for all pre-commitment costs; the other is the state through the

state hospital in Warm Springs. She suggested this partnership be kept in place. As for the fiscal note on the bill, the state would be required to pay out just over \$2.2 million in general funds over the biennium. That figure may not be correct because costs cannot be computed from the counties. Admissions to the state hospital are topping their cap already. Fifty-eight percent of the people, who go there, go on court-ordered detention or emergency detention. The average length of stay is 4.4 days. These people are brought to the hospital and taken back for their commitment hearing. Forty percent of those people never return to the state hospital. If there is no county participation, she was very concerned about increases in admissions to the state hospital. The state hospital has many days when they are already over their licensed capacity of 175.

{Tape: 1; Side: B; Approx. Time Counter: 3 - 9.7}

Anita Roessmann, Attorney, Montana Advocacy Program, opposed the bill even though she acknowledged the hardship on the smaller counties. She was advocating for the patients. In 1991, the department paid for a report by an out-of-state expert from Wisconsin who heads their Elder and Disabilities Services Division. Ms. Roessmann had spoken to her and asked for a summary of the report. The lady said they had told Montana in 1991 they needed to develop a crisis center intervention system if they were to have integrated community services for mental health. She further said that the counties should not be taken out of the equation because they would not have the incentive to manage these costs and find solutions to their problem. Bearing the risk of high cost care is the best way to manage that cost. Ms. Roessmann advocated that patients remain in their communities because while they are gone, their pets, belongings, house or apartment, job, relationships, and their support system is more shredded when they come out of the state hospital. They experience the trauma of inferior treatment. When transported to and from the state hospital, they are handcuffed. She felt that the state hospital had become an admissions/discharge facility. The number of intakes and discharges has quadrupled.

Ms. Roessmann listed some needs for Montana: (1) a crisis intervention system that builds on itself and is a local system, (2) a good system of target and case management so there can be intervention before a crisis, (3) crisis lines like 911, (4) mobile crisis intervention capacity--Montana had this before managed care and lost it when managed care came in, and (5) acute crisis services and short term stabilization services. The fiscal note is high and does not address any of the above issues. Many commitment petitions are dismissed. This bill will induce

the counties to have people committed because the state will pay for the pre-commitment costs. This is bad public policy.

{Tape: 1; Side: B; Approx. Time Counter: 9.7 - 17.5}

Bonnie Adee, Mental Health Ombudsman, Governor's Office, concurred with Ms. DeCunzo. She did not believe the bill would take care of the problem.

{Tape: 1; Side: B; Approx. Time Counter: 17.5 - 18.7}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ART NOONAN inquired if any money saved by the counties had been earmarked to provide some of these services. **REP. BECKER** replied that was not in the bill.

REP. NOONAN asked if an amendment of this nature could be put into the bill. **REP. BECKER** replied that would be good. She wanted to inform the committee that the counties give the state \$1 million a year to provide a Medicaid match for mental health services.

{Tape: 1; Side: B; Approx. Time Counter: 18.7 - 20.5}

REP. NOONAN inquired about the treatment patients received at the state hospital. **Ms. Roessmann** did not have any facts but had heard numerous times that approximately 55% of new admissions had not been seen by anyone in the state.

REP. MARY CAFERRO was surprised to learn that the counties spend so much money on mental health and asked if these pre-commitment costs were court ordered or from emergency rooms. **Mr. Gallagher** explained the procedure that Lewis and Clark County follows.

{Tape: 1; Side: B; Approx. Time Counter: 20.5 - 28.2}

REP. CAFERRO asked what services would be covered under HB 395. **Ms. DeCunzo** explained that the services, as she understood them, would be the initial medical and mental evaluations. The state would pick up those costs if the person was committed to Warm Springs.

{Tape: 1; Side: B; Approx. Time Counter: 26 - 30}

VICE CHAIRMAN FACEY inquired of Ms. Adee if there was another bill that might help in addressing this problem. **Ms. Adee** responded there are other bills that take pieces of this issue, but she did not believe there was a comprehensive bill coming.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1}

REP. BILL WARDEN asked Commissioner Kennedy if the bill would lead the counties to commit patients to the state hospital.

Commissioner Kennedy felt that this has been the thought of many people. He went on to say that in Billings they had a drop-in center called The Hub. They had anywhere from 35-65 clients per day. There were counselors and it was a very secure place. The cost for this program was \$5-\$7 per day. It kept people in case management on their meds, out of the emergency rooms and out of the state hospital. Unfortunately, when funds get low, the programs that are the most cost effective and the cheapest are dropped. The problem is a lack of money. The county commissioners would like to work with the state. He thought HB 395 was a good bill.

{Tape: 2; Side: A; Approx. Time Counter: 1 - 6.7}

REP. TERESA HENRY understood the fact that many patients had no prior record of treatment and wondered if part of the problem was that no facilities were available to them. **Ms. Roessmann** felt that was probably a correct assessment. One of the problems is that there is no one single point of entry into mental health services. People don't know where to turn so problems fester. Her vision for Montana would be to have a reasonably accessible crisis facility for each community. Clients could then be pointed in the right direction to receive help.

{Tape: 2; Side: A; Approx. Time Counter: 6.7 - 10.6}

REP. JONATHAN WINDY BOY questioned the length of time for pre-commitment evaluations. **Commissioner Kennedy** answered that times vary and counties get caught off guard by the exorbitant costs.

REP. WINDY BOY asked what happens when a patient is high on meth and taken to the hospital. **Ms. Ade** explained the procedure.

{Tape: 2; Side: A; Approx. Time Counter: 10.6 - 15.2}

REP. WINDY BOY continued in his questioning and asked for Mr. Ross to comment. **Mr. Ross** provided some information concerning the patient from Judith Gap who had serious medical problems that delayed the process of the mental and physical evaluations. He felt the biggest problem was not enough secure beds. Secure, locked beds are missing as an alternative to the state hospital. Until this is addressed, these other issues will continue to be a problem.

{Tape: 2; Side: A; Approx. Time Counter: 15.2 - 17}

REP. ART NOONAN understood the problem and felt that the money was being spent in the wrong place. He offered a proposal to help the problem and asked for Mr. Ross' opinion. **Mr. Ross** spoke for the less populated counties. Secure beds in every community is not a possibility. He would hope for inter-county

cooperation and would ultimately pool resources for a facility or crisis center. Transportation is costly and this might alleviate those problems.

{Tape: 2; Side: A; Approx. Time Counter: 17 - 20.1}

REP. NOONAN followed up the same line of questioning with Ms. DeCunzo. **Ms. DeCunzo** explained that crisis stabilization centers are not in the budget requests. She would like to see a subcommittee develop some centers for communities. They would work with counties and cities to jointly fund these crisis stabilization centers. She did not want HB 395 to go forward and believed if her plan became a reality, the counties would save on transportation costs. She explained that at the state hospital, they cannot charge Medicaid for anyone between the ages of 21 and 65. This is a federal issue. However, in a local crisis center, under 16 beds, they would not have the same designation. The counties would have to put up a match of 30% but would not bear the full cost.

{Tape: 2; Side: A; Approx. Time Counter: 20.1 - 25.1}

REP. DON ROBERTS asked if mentally ill patients have insurance and how much would fall back on the county. **Commissioner Kennedy** said those statistics are hard to come by. The county pays the costs but does not look to see if the person has insurance or if they are eligible for Medicaid. He thought that about 25% of those at the state hospital do not have any type of insurance.

{Tape: 2; Side: A; Approx. Time Counter: 25.1 - 30}

REP. ROBERTS inquired what kinds of services would be offered by DPHHS. **Ms. DeCunzo** said they have been working with the Department of Corrections concerning services. She explained where their funding comes from and the parameters for eligibility.

{Tape: 2; Side: A; Approx. Time Counter: 30 - 32}

REP. RON STOKER informed the committee that he had gone through HB 2 after the last session. It broke down all the line items, etc. Health and Human Services takes 37% of the general fund. With Medicaid, etc. DPHHS works with a total of \$3.2 billion. The legislature needs to look at the whole picture and decide what the best way is to spend this tremendous amount of money.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 2.1}

VICE CHAIRMAN FACEY asked which communities provide secure beds and what caused this loss of secure beds over the past ten years. **Mr. Ross** said Deaconess Hospital in Billings and St. Pat's in Missoula have secure beds. There are some in Flathead County and some at Benefis in Great Falls. Most hospitals have a big, black

hole in their finances with in-patient psychiatric care because so many people are uninsured.

{Tape: 2; Side: B; Approx. Time Counter: 2.1 - 3.4}

VICE CHAIRMAN FACEY asked that if the state should be the single payer for mental health along with multiple providers such as community mental health centers, nonprofit mental health providers, etc., would that be the best way to go. **Ms. Adee** agreed that would create a one-stop, no wrong-door policy. It was an idea that would be worth looking into.

{Tape: 2; Side: B; Approx. Time Counter: 3.4 - 4.1}

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 24

Motion: REP. FACEY moved that HB 24 DO PASS.

Motion: REP. FACEY moved that HB 24 BE AMENDED.

EXHIBIT (huh26a03)

Discussion:

REP. FACEY explained that it would change the effective date to July 1, 2005.

Vote: Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

Motion: REP. ROBERTS moved that HB 24 BE AMENDED.

EXHIBIT (huh26a04)

Discussion:

REP. HENRY asked REP. ROBERTS if he wanted "step-child" added to HB 24. **REP. ROBERTS** said that it made no difference to him.

Vote: Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

Motion/Vote: REP. ROBERTS moved that HB 24 DO PASS AS AMENDED.

Motion carried unanimously by roll call vote 16-0. REP. JONES voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 4.1 - 8.5}

EXECUTIVE ACTION ON HB 59

Motion/Vote: REP. FACEY moved that HB 59 BE TABLED. Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

EXECUTIVE ACTION ON HB 217

Motion/Vote: REP. FACEY moved that HB 217 BE TABLED. Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 8.5 - 14.8}

EXECUTIVE ACTION ON HB 25

Motion: REP. ROBERTS moved that HB 25 DO PASS.

Motion: REP. FACEY moved that HB 25 BE AMENDED.

[EXHIBIT](#)(huh26a05)

Discussion:

REP. FACEY explained the effective date was changed to July 1, 2005.

Vote: Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

Motion/Vote: REP. ROBERTS moved that HB 25 DO PASS AS AMENDED. Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 14.8 - 17.1}

EXECUTIVE ACTION ON HB 26

Motion: REP. ROBERTS moved that HB 26 DO PASS.

Motion: REP. WINDY BOY moved that HB 26 BE AMENDED.

[EXHIBIT](#)(huh26a06)

Discussion:

Mr. Al Smith explained the amendment. Current practices are to continue. Hospitals will require independent health care providers to have their own insurance.

Vote: Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

Motion: REP. FACEY moved that HB 26 BE AMENDED.
EXHIBIT (huh26a07)

Discussion:

REP. FACEY explained that it changed the effective date to July 1, 2005.

Vote: Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

Motion/Vote: REP. ROBERTS moved that HB 26 DO PASS AS AMENDED. Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.
{Tape: 2; Side: B; Approx. Time Counter: 17.1 - 21.4}

EXECUTIVE ACTION ON HB 64

Motion: REP. ROBERTS moved that HB 64 DO PASS.

Discussion:

Ms. Susan Fox, Legislative Staffer explained about "health care provider" being inserted in another part of the bill. There had been some confusing information at the hearing. She defined the terms of "health care provider" and "physician" that are used by a medical legal panel.

Mr. Pat Melby explained that the definition used for "health care provider," as defined in 27-6-103, involves anyone who goes before a medical legal panel. He knew of no medical malpractice cases against APRN's or CRNA's. They usually practice under the supervision of a physician. Concerning Page 1, Lines 24 and 26, "physician" was used deliberately because a podiatrist could testify against a physician without Subsection 2. Under

Subsection 3 at the bottom of the page, "dentist" would be a specialist and only a dentist could testify against a specialist.
{Tape: 2; Side: B; Approx. Time Counter: 21.4 - 30.4}

Motion/Vote: REP. FACEY moved that HB 64 BE AMENDED. Motion carried unanimously by voice vote 16-0. REP. JONES voted by proxy.

[EXHIBIT](#) (huh26a08)

Motion: REP. ROBERTS moved that HB 64 BE AMENDED.

[EXHIBIT](#) (huh26a09)

Discussion:

REP. ROBERTS asked Mr. Melby if the physicians and lawyers were in agreement with the amendment. Mr. Melby replied that they were but they needed clarification on Numbers 4 and 5. He felt a rewording was necessary.

Ms. Fox reworded the amendment and explained the new language to the committee. There was discussion about whether the new language helped in clarifying the amendments. Clarification was not forthcoming.

REP. ROBERTS recommended to the committee that they wait till Ms. Fox had time to craft the official amendment. HB 64 was put on hold till 2-4-05.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 6.5}

EXECUTIVE ACTION ON HB 31

Motion: REP. ROBERTS moved that HB 31 DO PASS.

Discussion:

CHAIRMAN ARLENE BECKER asked if the money for HB 31 was in the Governor's budget or HB 2. REP. ROBERTS replied that it was not in the Governor's budget. The Governor is interested in HB 31 and SEN. JOHN COBB is looking into funding for HB 31. The bill should go to Appropriations from the committee. REP. ROSIE BUZZAS is also interested in putting HB 31 into the budget.

CHAIRMAN BECKER inquired if it was possible to pull money from other agencies in DPHHS. REP. ROBERTS told the committee there

were several ways that had been discussed to fund the proposed bill.

REP. FACEY said he approved HB 31 but was not thrilled with the fiscal note. He stated that if HB 31 is passed out of committee, with no appropriation, the Governor's Office would have to figure out how to implement the program with existing staff. He would support the bill if the Governor's Office takes it over.

{Tape: 3; Side: A; Approx. Time Counter: 6.5 - 10.9}

REP. BILL WARDEN stated that his understanding was the bill would go to Appropriations Committee. He would vote for the bill.

REP. MARY CAFERRO commented that, in the title of the bill on Lines 7, 8, 9, and 10, it says, "replacing the Inter-agency Coordinating Council." She wanted to know what that meant. **REP. ROBERTS** explained there is a crime control board that has 18 members and the Drug Commissioner would be assigned to that board.

CHAIRMAN BECKER asked Ms. Fox to comment on this. **Ms. Fox** explained the Commissioner would become a member of the Board of Crime Control. The Inter-agency Coordinating Council for prevention is often called the ICC. A statutory board was made up of 18-20 agencies, mostly directors, but it has been an unfunded mandate with no authority. ICC has begged for donations from the agencies that are represented. This bill was intended to replace the ICC.

REP. ART NOONAN addressed the bill. He agreed with the proposed bill and with **REP. FACEY**'s comments. He would rather make a suggestion to the agencies that they work together. He did not want to send the bill out of committee with no funding.

{Tape: 3; Side: A; Approx. Time Counter: 10.9 - 16.7}

REP. FACEY was not in favor of the bill with the fiscal note.

REP. ROBERTS reiterated the need for a policy which included a Commissioner and the coordination of agencies involved in the meth problem. This bill came out of an interim committee and funding should not be a problem.

REP. WARDEN expressed his views. He could not vote for the bill because he felt it was not fiscally responsible.

{Tape: 3; Side: A; Approx. Time Counter: 16.7 - 21.2}

Vote: Motion failed 7-9 by roll call vote with **REPS. BECKER, CAFERRO, HENDRICK, MCGILLVRAY, MILBURN, ROBERTS and WINDY BOY** voting aye.

Motion/Vote: REP. MCGILLVRAY moved that HB 31 BE TABLED AND THE VOTE REVERSED. HB 31 was tabled with a vote of 9-7 with REPS. BECKER, CAFERRO, HENDRICK, MCGILLVRAY, MILBURN, ROBERTS AND WINDY BOY voting no.

{Tape: 3; Side: A; Approx. Time Counter: 21.2 - 28.5}

EXECUTIVE ACTION ON HB 289

Motion: REP. WINDY BOY moved that HB 289 DO PASS.

Discussion:

REP. MCALPIN felt that HB 289 was a punitive bill and he was not in favor of it.

REP. EATON concurred with REP. MCALPIN.

CHAIRMAN BECKER said that REP. GLASER was trying to take money from the wrong place. The money could not be taken from I-149. She appreciated the purpose of the bill. I-146 was the settlement money and she understood that the prevention and stabilization count would no longer exist and some of that money would be going back for the purpose of I-146. She hoped there would be more money for treatment.

CHAIRMAN BECKER informed the committee that DPHHS released information that the Governor's budget is proposing an increase in funding for a comprehensive tobacco prevention program for Montana by approximately \$6.5 million per year. This funding would come from the Master Settlement Agreement (MSA) as outlined in I-146. Thirty-two percent of MSA funds would be used for comprehensive tobacco prevention.

Motion/Vote: REP. ROBERTS moved that HB 289 BE TABLED. Motion carried 14-2 by voice vote with REPS. STOKER and WINDY BOY voting no. REP. JONES voted aye by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 28.5 - 31}

ADJOURNMENT

Adjournment: 5:55 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh26aad0.PDF](#))

EXHIBIT 1
DATE 2-2-05
HB 395

February 2, 2005

Representative Arlene Becker
Montana Legislature
VIA EMAIL

RE: HB 395 – Revise responsibility for cost of examination and detention of mental disorder

Dear Representative Becker:

This letter represents Missoula County's statement of support for HB 395. This bill would ease the burden Missoula County currently bears concerning the care of involuntarily committed individuals.

Please consider the following:

- Because Missoula County is one of only a handful of counties well equipped to handle involuntarily committed individuals. As such, Missoula County is charged with a disproportionate number of cases, and is responsible for the costs in their entirety. It is often difficult to establish the county of residence in these cases.
- The associated costs of involuntary commitments vary tremendously. Smaller counties experience difficulty in handling such varying costs.
- While Missoula County handles these cases efficiently and effectively, smaller counties may shift the intake of involuntary commitments to Missoula County.
- In fiscal year 2003 Missoula County paid \$169,680 for psychological exams in involuntary commitment proceedings. In fiscal year 2004, the figure was \$119,281. In the first six months of our current fiscal year, Missoula County has already spent \$138,164 on these exams. This excludes related costs such as transportation and court costs. Missoula County also invests \$75,000 annually in a mental health crisis team that provides an efficient method for evaluating these cases quickly.

The only clarification Missoula County would like to see in the bill is that the State cover the costs when the County is required to file a petition and request that the person be apprehended and detained (the person refuses to enter the hospital) which is the vast majority of the cases. If the individual is committed, Missoula County asks that the State cover these costs as well.

Please share this information with the other members of the House Human Services Committee.

Please contact Dale Bickell, Chief Financial Officer at 721-5700 ext. 4229 if you have any questions or need additional information.

Best regards,

Dale D. Bickell, CPA
Chief Financial Officer
For the Missoula County Board of County Commissioners

Bill – Here's some information from Missoula County (Leslie Halligan). I have two other hearings at 3:00 today and will try to get in to testify in support of Rep. Becker's bill. If I can't get there, I would be grateful if you could get this information to the committee members on behalf of Missoula County.
Thanks, Linda Stoll

I've reviewed this bill and would support it - we have been trying to have the State assume some of the costs of commitment because Missoula County seems to bear the burden of committing most of the people in Western Montana, at least south of Kalispell. Most of the people that we file petitions on are committed. However, some of the people that are detained, do accept voluntary treatment after several days in the hospital. The way I read the bill, the County would be responsible for these costs on a continuing basis. These may amount to 1/4 to 1/3 of the overall costs. As it is, we end up paying for costs incurred at St. Patrick Hospital and at the State Hospital, which probably exceed \$250,000. I filed about 100 new commitment cases last year; there are about the same amount in repeat cases, either for extensions of commitment or renewed petitions in existing cases.

The only suggestion I would have is to put similar language into the statute, perhaps in 53-21-124, so that when the County is required to file a petition and request that the person be apprehended and detained (the person refuses to enter the hospital) which is the vast majority of the cases, that these costs would also be assumed by the state if the person is committed by the Court. This process doesn't seem to be clear in the existing bill. Please contact me if you have questions, or anyone in Helena has questions. Leslie 544-9596 Cell; 258-4952 office.

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE 2 - 2 - 05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. ARLENE BECKER, CHAIR	X		
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES			X
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		



HOUSE STANDING COMMITTEE REPORT

February 4, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 24** (first reading copy -- white) do pass as amended.

Signed: Arlene Becker
Representative Arlene Becker, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "FAULT,"

2. Title, line 9.

Following: "INADMISSIBLE"

Strike: "AS EVIDENCE OF AN ADMISSION OF LIABILITY"

Insert: "FOR ANY PURPOSE"

3. Title, line 10.

Following: "PROVIDING"

Insert: "AN EFFECTIVE DATE AND"

4. Page 1, line 16.

Following: "apology,"

Strike: "fault,"

5. Page 1, line 18.

Strike: "as evidence of an admission of liability"

Insert: "for any purpose"

6. Page 1, line 21.

Following: "regret"

Strike: "or asks for a pardon for a fault or offense"

Committee Vote:

Yes ~~18~~, No 0.

16

Corrected per
m.p. lfg on 2/17/05

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2/4/05

jbw

7. Page 2, line 1.

Following: section 2

Insert: "NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005."

Renumber: subsequent section

- END -



HOUSE STANDING COMMITTEE REPORT

February 4, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 25** (first reading copy -- white) do pass as amended.

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

And, that such amendments read:

1. Title, line 8.

Following: "PROVIDING"

Insert: "AN EFFECTIVE DATE AND"

2. Page 1, line 21.

Following: section 2

Insert: "NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2005."

Renumber: subsequent section

- END -

Committee Vote:
Yes 16, No 0.

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2/4/05
jbn



HOUSE STANDING COMMITTEE REPORT

February 4, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 26** (first reading copy -- white) **do pass as amended.**

Signed: *Arlene Becker*
Representative Arlene Becker, Chair

And, that such amendments read:

1. Title, line 6.

Following: "PROVIDER"

Insert: "UNDER CERTAIN CONDITIONS"

2. Title, line 9.

Following: "PROVIDING"

Insert: "AN EFFECTIVE DATE AND"

3. Page 1, line 18.

Strike: "For"

Insert: "Except as provided in subsection (3), for"

4. Page 1, line 21.

Insert: "(3) Subsection (2) is not applicable unless the health care provider has, by policy or practice, ensured that those persons providing independent professional services have insurance of a type and in the amount required by the rules and regulations of the medical staff, by the medical staff bylaws, or by other similar health care facility rules or regulations."

5. Page 1, line 21.

Following: section 1

Insert: "NEW SECTION. Section 2. Saving clause. [This act]

Committee Vote:

Yes 16, No 0.

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2/4/05
jbn

does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005."

Renumber: subsequent section

- END -

COMMITTEE FILE COPY

TABLED BILL

The HOUSE HUMAN SERVICES COMMITTEE TABLED HB 31, HB 59, HB 217, HB 289, by motion, on
Wednesday, February 2, 2005.

Mary Wells
(For the Committee)

WMP
(Chief Clerk of the House)

8:05 / 2/3
(Time) (Date)

February 3, 2005

Mary G. Wells, Secretary

Phone: 4607

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 2-2-05 BILL NO 24 MOTION NO. 1

MOTION: D P A A

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		X
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		
REP. ARLENE BECKER, CHAIR	X		
	16	0	

HOUSE OF REPRESENTATIVES
Roll Call Vote
HUMAN SERVICES COMMITTEE

DATE 2-2-05 BILL NO. 31 MOTION NO. 1
 MOTION: Failed a O P

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. TOM FACEY, VICE CHAIR		X	
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON		X	
REP. GORDON HENDRICK	X		
REP. TERESA HENRY		X	
REP. WILLIAM JONES		X	X
REP. DAVE McALPIN		X	
REP. TOM MCGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN		X	
REP. RON STOKER		X	
REP. PAT WAGMAN		X	
REP. BILL WARDEN		X	
REP. JONATHAN WINDY BOY	X		
REP. ARLENE BECKER, CHAIR	X		

7

9

Failed
 s:/HumServRollCallVote2005

COMMITTEE PROXY

DATE: 2/2/05

I request to be excused from the Health & Human Services

Committee because of other commitments. I desire to leave my proxy vote with:

Bill Warden

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 002401 asb	✓	
HB 02402 asb	✓	
HB 24	✓	
HB 58 Table	✓	
HB 217 Table	✓	
HB 2501 asb	✓	
HB 25	✓	
HB 2601 asb	✓	
HB 2602 asb	✓	
HB 26	✓	
HB 31 Reversal Tabled		✓
HB 6402	✓	

SENATE BILL/AMENDMENT AYE NO

HB 289 Table	✓	

Rep./Sen. Warden
(Signature)

**Montana House of Representatives
Visitors Register**

HUMAN SERVICES COMMITTEE

Date 2/2/05

Bill No. HB-395 Sponsor(s) Rep. A. Becker

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Doug Kaercher	Hill Co - MACo	✓		
LEO GALLAGHER	Mt. Assn. Associates	✓		
Bob Ross	MHC Billings	✓		
Jenome Kolar	GoBAS County	✓		
Carl Seilstad	Fergus County	✓		
Mike McNelly	Beverhead County	✓		
Jami McCall	DBC	✓		
John Dunkley	Carbon County	✓		
Bill Kennedy	Yellowstone Co. MACo	✓		
ELAINE MANNA	BROADWATER COUNTY	✓		
Mary "Marty" Phippen	Mt. Assn. Clerks of Dist. H	✓		
Bonnie Adee	Mt. Home bus		✓	
Amira Roissman	MAP		✓	
Joyce DeCunzio	Addiction & Mental Disorders	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/HumServVisitorReg.sample2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on March 14, 2005 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Jon C. Sesso (D)
Rep. John Sinrud (R)
Rep. Jack Wells (R)

Members Excused: Rep. Rick Ripley (R)

Members Absent: Rep. Bill E. Glaser (R)
Rep. Janna Taylor (R)

Staff Present: Laura Dillon, Committee Secretary
Jon Moe, Legislative Branch
Marcy McLean, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 395, 3/10/2005; HB 433, 3/10/2005; HB 577, 3/10/2005; HB484, 3/10/2005; HB 552, 3/10/2005; HB 721, 3/10/2005; HB 728, 3/10/2005; HB 698, 3/10/2005; HB 749, 3/10/2005; HB 151, 3/10/2005

Executive Action: HB 687, HB 721, HB 57, HB 475, HB 385, HB 241, HB 513, HB 552, HB 673, HB 327, HB 704, HB 236, HB 541, HB 628, HB 13, HB 268, HB 263, HB 548, HB 426, HB 700, HB 672

REP. JUNEAU called the meeting to order. She advised those who wished to testify before the Committee to limit their comments to the fiscal impact of the bill.

HEARING ON HB 395**Opening Statement by Sponsor:**

REP. ARLENE BECKER, HD 52, Billings, opened the hearing on **HB 395**, a bill to revise responsibility for the cost of examination and detention of individuals with mental disorders. She said the bill pertains to pre-commitment costs that are incurred when an individual is involuntarily committed to a mental institution. Under current statute, the county is the payor of last resort. This bill proposes that the pay goes first to private insurance, Medicaid or other eligible public assistance, and then to the county if the individual is not committed. The State would pick up the cost of any individual who is committed to an institution, at a cost of approximately \$1 million over the next biennium. This bill will provide relief to the many counties that are unable to afford these pre-commitment costs.

Proponents' Testimony:

Bill Kennedy, Yellowstone County Commissioner, Montana Association of Counties (MACo), stated that the bill streamlines the process of pre-commitment. A single pre-commitment cost could total \$50,000 for a county. The counties are forced to accrue greater costs as it becomes more difficult to commit an individual to the State Hospital. Mr. Kennedy added that an amendment has been proposed for Page 2, Line 27 of the bill, which would indicate that State and counties do not pay for

voluntary commitments. Another proposed amendment would add that the respondent will pay for pre-commitment if they are able.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 9.2}

Doug Kaercher, Hill County Commissioner, MACo, testified that Hill County has a \$60,000 bill as a result of just one pre-commitment. HB 395 will ensure that counties are able to afford the process.

Leo Gallagher, Montana County Attorneys Association, said he will support the bill with its amendments. The bill enables the counties to essentially buy insurance on a per capita basis through a contract with the State of Montana. The bill allows the State to approach the issue on a uniform basis and create some economies of scale.

Carl Seilstad, Fergus County Commissioner, went on record in support of HB 395.

Jani McCall, Deaconess Billings Clinic (DBC), said that DBC has a psychiatric facility in Billings that serves all of Eastern Montana. The Clinic actually loses from \$3 million to \$4 million each year on charity work done from their psychiatric unit. They understand how difficult it is for the counties to afford pre-commitment and strongly support the bill.

Opponents' Testimony:

Anita Roessmann, Montana Advocacy Program (MAP), distributed written testimony to the Committee. She stated that the bill in its current form compensates the counties for pre-commitment costs accrued if a petition is filed which results in a commitment. MAP feels that this provides a disincentive for counties to dismiss the petition, as is currently done in a number of cases. This will increase the number of individuals committed to the State Hospital who are unable to pay for their treatment.

EXHIBIT (aph56a01)

{Tape: 1; Side: A; Approx. Time Counter: 9.2 - 18.9}

Informational Testimony:

Joyce DeCunzo, Addictive and Mental Disorders Division, Department of Health and Human Services (DPHHS), stated that the Department will support the bill if the suggested amendments are approved. The proposed amendments will continue to hold counties responsible for pre-commitment costs. If the amendments are

passed, the Department is willing to offer field staff to help the counties be more efficient in the development of billing and developing local crisis response plans.

Questions from Committee Members and Responses:

REP. JAYNE asked Ms. Roessmann if MAP had seen the proposed amendments. **Ms. Roessman** responded that they had not.

Closing by Sponsor:

REP. BECKER said that she would have the proposed amendments to the Committee within 24 hours. She stated that the intent of the bill is not to increase the number of people who are committed, but to free up money for crisis prevention at the county level.

{Tape: 1; Side: A; Approx. Time Counter: 18.9 - 24.1}

HEARING ON HB 433

Opening Statement by Sponsor:

REP. CAROL LAMBERT, HD 39, Broadus, opened the hearing on **HB 433**, a bill to create uniform interest assessment for violation of tax provisions. She said that the current method that the State uses to charge interest on delinquent taxes "cheats" Montana citizens out of approximately \$400,000 per year. Currently, interest is charged for all or part of every month of delinquent payments. This will change statute to define one month as a time frame consisting of 30 days.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Neil Peterson, Montana Department of Revenue (DOR), stated that he would be available for questions.

Questions from Committee Members and Responses:

REP. JACKSON asked Mr. Peterson to explain the fiscal note attached to the bill. **Mr. Peterson** explained that individual and corporate income taxes are due mid-month. If an individual files one month late, they will be assessed two months worth of interest under current law. This is because interest is charged for all or part of each month delinquent.

REP. MORGAN asked if this was a significant problem within the State. **REP. LAMBERT** responded that the issue was brought to her attention by the Montana Association of Accountants because it is an unfair means of interest assessment.

Closing by Sponsor:

REP. LAMBERT reiterated that this bill addresses a fairness issue. She stated that the interest assessment is a big deal to those responsible for payment.

{Tape: 1; Side: A; Approx. Time Counter: 24.1 - 31; Comments: End of Tape 1, Side A.}

HEARING ON HB 577

Opening Statement by Sponsor:

REP. DAVE MCALPIN, HD 94, Missoula, opened the hearing on **HB 577**, a bill to appropriate money to fund rape kits and examinations. This bill makes the cost of a medical examination of a victim of sexual assault the responsibility of the Department of Justice (DOJ) if the cost is not already the responsibility of law enforcement. In effect, the bill will give victims of sexual assault an additional 30 days in which to decide whether they would like to press charges.

Proponents' Testimony:

Kate Cholewa, Montana Coalition Against Domestic and Sexual Violence, distributed an outline of the bill and a list of proponents who had testified before the subcommittee. She discussed the statistics highlighted on the handout.

[EXHIBIT\(aph56a02\)](#)

[EXHIBIT\(aph56a03\)](#)

Pam Bucy, Assistant Attorney General, said the bill will assist in addressing a small, but significant void in the system. She urged the Committee to support the bill.

Jim Kemble Montana Association of Chiefs of Police and **Ethan Lerman, Montana Legal Services**, stated that the bill will help both victims and law enforcement.

Jim Ahrens, Montana Hospital Association and **Christina Powell, Bozeman Sexual Assault Center**, went on record in support of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 10}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. MORGAN commented that the testimony had indicated there would be a greater number of sexual assaults reported as a result of this legislation. She wanted to know why significant local government impact had not been indicated on the fiscal note attached to the bill. **REP. MCALPIN** replied that the fiscal note reflects the best available estimate of how this bill will impact local governments.

REP. JAYNE asked when local law enforcement would not be responsible for the costs of the medical examination. **Ms. Cholewa** replied that law enforcement is responsible for costs when a victim takes the examination, but decides not to move forward with criminal charges.

Closing by Sponsor:

REP. MCALPIN asked the Committee to support the bill. e added that he would be happy to report on the results of the legislation during the next legislative session.

{Tape: 1; Side: A; Approx. Time Counter: 10 - 14}

(REP. RIPLEY entered the hearing.)

HEARING ON HB 484

Opening Statement by Sponsor:

REP. LLEW JONES, HD 27, Conrad, opened the hearing on **HB 484**, a bill to require mobile meat processor licensing and inspection. Currently, there are very few facilities in the state that can carry out inspected slaughter. As a result, most Montana meat is sent to one of three major packing facilities. Utilizing mobile slaughter facilities will enable ranchers to label and sell their meat as a local product. This will also reduce the need to transport animals to slaughter facilities, thus improving the overall quality of the meat. Retailers will be able to sell greater numbers of "Made in Montana" labeled products. **REP. JONES** believes the fiscal note indicates a greater impact than will actually result. This is because he does not think the State will

be able to get four separate operations up and running within the next four years, as planned.

{Tape: 1; Side: A; Approx. Time Counter: 14 - 19.9}

Proponents' Testimony:

Linda Gryczan, Grow Montana, stated that this bill will increase the opportunities for small ranchers to sell their meat to local restaurants. Producers of buffalo meat cite the difficulty in transporting these animals to slaughter in their support for the bill. This law will not affect the way custom slaughter is done in the State.

Opponents' Testimony: None.

Informational Testimony:

Carol Olmstead, Department of Livestock, said there are 12 state and approximately 15 federal slaughter facilities in Montana. She continued that at least three groups are looking to start up a mobile slaughter facility in the State and that is reflected in the figures listed on the fiscal note.

Howard Reid, Food and Consumer Safety, DPHHS, commented that he was available for any questions.

{Tape: 1; Side: A; Approx. Time Counter: 19.9 - 26.3}

Questions from Committee Members and Responses:

REP. RIPLEY stated that a possible environmental impact was indicated on the fiscal note and asked what this referred to.

REP. JONES replied that this referred to the necessity to have clean water available at the slaughter site. Since many ranches will not have treated water available on-site, the mobile facility will likely haul the water to the site.

REP. RIPLEY asked how inspections would be scheduled. **REP. JONES** answered that mobile facilities will be administered by a fixed plant. It is likely that an inspector from the fixed plant will travel with the mobile facility a few days every week.

{Tape: 1; Side: A; Approx. Time Counter: 26.3 - 31.2; Comments: End of Tape 1, Side B.}

REP. SESSO asked if the program could move forward if the bill passes with one-quarter of the requested appropriation (only enough to start one mobile facility). **REP. JONES** replied that he

does not think there will be more than one facility that moves ahead during the biennium anyway. **Ms. Olmstead** added that it was hard to estimate a fiscal note for the bill because there is no way of telling how many mobile operations will come on line. However, a lesser appropriation could harm the operation because the Department needs the funding to devote one Full Time Equivalent (FTE) to administration of the mobile slaughter facilities.

REP. KAUFMANN asked how the Committee could suggest a lower fiscal note for the bill. **Jon Moe** stated that the Legislature could appropriate whatever amount they feel is necessary. There is always the risk of creating an unfunded mandate by lowering the fiscal amount.

REP. KAUFMANN asked if the appropriation should be included in this bill. **Mr. Moe** replied that the appropriation was best included in HB 2.

REP. SINRUD asked how the already existing FTEs were paid through the Department of Livestock. **Ms. Olmstead** responded that the entire funding is paid half through Federal Funds and half through State General Funds.

REP. SINRUD asked if there was a fee assessed to slaughterhouses to pay for the FTE needed to administer the mobile units. **Ms. Olmstead** replied that the State may not charge a user fee under the Federal Meat Inspection Act.

REP. SINRUD asked why the Federal Government must be involved with the inspection and sale of the meat when this will not be an act of interstate commerce. **Ms. Olmstead** responded that Montana adopted the Federal Meat Inspection Act when the program began and agreed to adhere to federal law.

REP. SINRUD asked how long it would take to get additional appropriations from the federal government. **Ms. Olmstead** answered that does not typically take a great deal of time to obtain federal funds once they are requested.

REP. JACKSON asked for the cost of one mobile unit inspector and if the Committee could only include funding for one position in the bill. **Ms. Olmstead** replied that one-quarter of the fiscal note would equal the cost of one inspector.

REP. RIPLEY asked if the Department has received notice of federal funding for the one additional meat inspector included in HB 2. **Ms. Olmstead** replied that they had been notified of federal intent to fund the position.

REP. KAUFMANN asked if this bill would benefit organic farmers or beef producers. **Ms. Olmstead** responded that organic labeling already takes place through existing facilities.

Closing by Sponsor:

REP. JONES explained that this bill will not subsidize an industry, rather it will enable one to start. He indicated that the Committee could amend the bill to only allow the start up of one station during the biennium to prevent the Department of Livestock from being potentially placed in an unfunded situation.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 16.5}

HEARING ON HB 552

Opening Statement by Sponsor:

REP. MARY CAFERRO, HD 80, Helena, opened the hearing on **HB 552**, a bill to change the asset test requirements for children covered by Medicaid. **REP. CAFERRO** said the Alliance for Healthy Montana, which worked on the campaign for the tobacco tax increase, has identified the Children's Health Insurance Program (CHIP) as a program that should benefit from tobacco tax revenues. Rather than simply direct more funding to CHIP, the Alliance has proposed a change to eliminate or increase the asset test to Medicaid, thus opening up more slots in CHIP. HB 552 increases the asset test from \$3,000 to \$15,000 for Medicaid children. This enables the state to insure more children through CHIP without spending additional State dollars or going over the federal capped amount.

Proponents' Testimony:

Kim Abbott, Working for Equality and Economic Liberation, discussed several reasons why it is beneficial for Montana to invest in CHIP. She said that the only place the President has expanded the Federal Medicaid Budget is in children's health insurance programs. The President has encouraged states to expand their children's health care programs and has endorsed this program.

EXHIBIT (aph56a04)

Linda Gryczan, League of Women Voters, stated that HB 552 would offer health care for over 3,800 children. A \$1.8 million dollar investment by the State will bring in a \$5.2 million federal dollar match. She feels this is a good fiscal investment.

Steve Yeakel, Montana Council for Maternal and Child Health, added that insuring children at a young age prevents more costly health insurance claims in the future.

Jenifer Sheehy, Family Nurse Practitioner, testified in support of HB 552 because it promotes early and preventative health care. She has witnessed the results of lack of access to medical care in her patients and believes that clinical outcomes for children are better when medical access is available at an early age.

{Tape: 2; Side: A; Approx. Time Counter: 16.5 - 23.5}

Jake Donaldson, medical student, Bozeman, stated that research at the Institute of Medicine in Washington has indicated that the costs to the public of insuring low-income individuals are less than the costs of subsidizing their health care.

Bob Olsen, Montana Hospital Association, feels that the bill is well within the intended use of I-149 money and is a good way to stretch CHIP dollars.

Beth Sirr, Nurse Practitioner, stated that Montana has 22,000 uninsured children under 150 percent of poverty (the qualifying cap for Medicaid or CHIP in Montana). Every dollar allotted to CHIP or Medicaid by the State will receive three or four dollars in matching federal funds. Research has indicated that every dollar invested in children's health programs results in a nine dollar savings to schools, the criminal justice system and welfare.

Opponents' Testimony: None.

Informational Testimony:

John Chappuis, DPHHS, explained that nearly 50,000 children are currently on State Medicaid and 11,000 children are covered by CHIP. There are an estimated 22,000 uninsured children below 150 percent of the poverty level within the state. The current asset test excludes ownership of a home or car.

Questions from Committee Members and Responses:

REP. MORGAN asked if the changes proposed in HB 552 and other related bills would extend coverage to all of the children who need it. **Mr. Chappuis** replied that if HB 522 is passed, the State will be very close to covering all those children who need the health care.

{Tape: 2; Side: A; Approx. Time Counter: 23.5 - 33; Comments: End of Tape 2, Side A.}

REP. CALLAHAN asked how the program will be affected when I-149 revenues decrease. **Mr. Olsen** replied that I-149 revenues will be adequate until the year 2011. Possible funding mechanisms for the program should be reconsidered in the meantime.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 7.3}

REP. CALLAHAN asked Mr. Olsen if he agreed with the cost estimates. **Mr. Olsen** answered that he felt they were reasonable.

REP. FRANKLIN asked for an explanation of the bill's effective date. **REP. CAFERRO** replied that the Department is going to be updating the Medicaid system, so it makes sense to wait to implement the changes until this update is completed. This also allows time for parents to be notified of the policy change.

REP. KAUFMANN asked how many states outside of Montana used asset tests for children. **Mr. Chappuis** responded that the number of states using asset tests for children's health programs is down to about seven. Most states are eliminating these tests in an effort to cover more children.

REP. KAUFMANN asked if a person who is "cash poor," but owns a number of assets, will be able to qualify for Medicaid. **Mr. Chappuis** replied that having greater assets does make it difficult to qualify for Medicaid. Homes and cars are exempt from inclusion as assets. **Hank Hudson, DPHHS**, added that income-producing assets, such as a farm or small business, are also exempt.

REP. JAYNE asked how the bill would fit in with the Governor's Budget. **REP. CAFERRO** replied that the Governor's Budget would have to be augmented to accommodate the changes proposed in HB 552.

{Tape: 2; Side: B; Approx. Time Counter: 7.3 - 15}

REP. JACKSON commented that the fiscal note indicated average costs for individuals at \$168 per month. He asked if there were any figures available on the actual medical costs of eligible individuals. **REP. CAFERRO** stated that the figure referred to on the fiscal note indicates actual cost per child.

REP. JUNEAU asked why the program was just now being implemented. **Mr. Chappuis** answered that the main reason a program like this has failed to be included in past budgets is because the overall entitlement is affected and there was no data available on the results. There are now better estimates regarding the number of individuals who will actually be affected by this policy change, so the budget can be planned accordingly.

REP. JUNEAU asked if the Department ran outreach programs through public schools. **Chuck Hunter, DPHHS**, responded that DPHHS did some outreach into public schools, but it is not as aggressive as it could be. This is because budget constraints would make it impossible to accommodate the kind of increases that would result.

{Tape: 2; Side: B; Approx. Time Counter: 15 - 20.4}

Closing by Sponsor:

REP. CAFERRO said that supporters of the bill are not asking for a tax increase to fund the program. This program will be funded through a tax increase that was approved by the voters of Montana. A recent telephone poll showed nearly 88 percent support expanding CHIP among Montanans.

HEARING ON HB 721

Opening Statement by Sponsor:

REP. JOHN PARKER, HD 23, Great Falls, opened the hearing on **HB 721**, a bill to establish the Montana Drug Offender Accountability and Treatment Act. The bill will establish a statutory basis for the drug treatment courts that are emerging in local areas around the State. The drug courts that already exist resulted from locally driven initiatives. This bill will not produce an additional burden on local communities that do not have such courts. **REP. PARKER** went on to explain some of the funding aspects of the bill. Once the initial federal start-up money expires, the courts will be the funded locally. There is also an amendment proposed which will move the program funding source from the executive to judicial branch.

{Tape: 2; Side: B; Approx. Time Counter: 20.4 - 25.7}

Proponents' Testimony:

John Larson, District Judge, Missoula, said that he has been a drug court judge since 1996. He explained that these are locally initiated courts that are part of the regular criminal justice

system. He feels the Department of Corrections (DOC) must be on board in order for these courts to work effectively. Drug treatment courts work with the same people as DOC and handle cases efficiently in mass sittings. Data from other states shows that drug courts are three times more effective in recidivism prevention than traditional probation. He suggested that the Committee encourage the involvement of probation officers and that drug court offenders receive priority placement in community based intervention programs. He would also like to see language in the bill that will allow people committed to DOC to be eligible for drug courts if they are recommended by the Department.

Bill Slaughter, DOC, stated that the Department supports the bill. He added that drug courts are an innovative and successful way of dealing with drug offenders. These courts make up an integral part of the corrections team.

{Tape: 2; Side: B; Approx. Time Counter: 25.7 - 31.5; Comments: End of Tape 2, Side B}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. SINRUD asked if the drug courts would be funded by the State since they are a function of the court system, which is paid by the State. **REP. PARKER** replied that the judge's salary is paid for by the State, but the public defender and prosecutor are funded through the county budget. The treatment services are funded through federal funds and self-pay of the client. He advised **REP. SINRUD** to reference Page 7, Line 9 of the bill for funding sources.

REP. JAYNE asked if the costs of support staff for the drug court functions are included in the current court system costs. **Mr. Larson** explained that the program takes place in a court setting, so the necessary staff is already there.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 5.5}

REP. JAYNE asked for an explanation of the immunity from liability included in Page 7, Lines 12-16 of the bill. **REP. PARKER** responded that most of the individuals on the drug treatment team are protected from being sued as long as they operate within the parameters of their job. The main reason the section was included in the bill is to protect those members of

the drug court team who are not normally associated with the court system.

Closing by Sponsor:

REP. PARKER stated that it was important to look at the impact recidivism has on the State when examining the fiscal impact of this bill. He believes reducing recidivism rates, which data has indicated that drug courts do, will provide a long term fiscal savings to the State.

(REP. TAYLOR entered the hearing.)

{Tape: 3; Side: A; Approx. Time Counter: 5.5 - 10.1}

HEARING ON HB 728

Opening Statement by Sponsor:

REP. MICHAEL LANGE, HD 55, Billings, opened the hearing on **HB 728**, a bill to create a State Veterans Cemetery in Yellowstone County and revise the way the program is funded. The bill contains language to indicate that the next veterans cemetery constructed will be in Yellowstone County. It has been determined that no funding will be needed for cemetery maintenance until at least 2009. Because of this, **REP. LANGE** suggested that the Committee strike the funding in Lines 23 and 23 and pass the language of the bill.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

Joe Foster, Montana Veterans Affairs, explained that the prospective cemetery in Yellowstone County will cost approximately \$3.25 million. Funding for the project will likely be obtained through a federal grant, however, subsequent operation and maintenance costs will then become the responsibility of the State. These costs are estimated to total \$100,000 over the lifetime of the cemetery and will be paid by State Special Revenue.

Harold Blattie, MACo, stated that the bill has the support of Yellowstone County and the community.

Questions from Committee Members and Responses:

REP. JUNEAU asked the sponsor if he intended to have the Committee create an amendment to strike Lines 20 and 21 of the bill. **REP. LANGE** responded that this was correct; the intent is to remove the appropriation from the bill.

REP. JUNEAU asked if there would be General Fund requests to cover operation and maintenance costs in the future. **REP. LANGE** replied that any General Fund requests would be addressed in future biennia.

REP. CALLAHAN asked if the bill requires a veterans cemetery to be established in Yellowstone County. **REP. LANGE** answered that the bill essentially creates an order for the establishment of a cemetery after the completion of the cemetery in Missoula. The Legislature will be required to appropriate money for operational and maintenance costs associated with the cemetery in the future.

REP. CALLAHAN asked what would happen if the Legislature did not approve funding for the cemetery when it is finally requested. **Mr. Foster** replied that the project would not be able to move forward.

{Tape: 3; Side: A; Approx. Time Counter: 10.1 - 19.7}

REP. JAYNE asked if Lines 28 and 29 needed to be amended as well. **Jon Moe** replied that Section 2 references to statutory appropriations should be taken out as well.

REP. LENHART asked if the \$20,000 could just be changed to "0". **Mr. Moe** stated that it would not be technically correct to include a zero appropriation in the bill.

{Tape: 3; Side: A; Approx. Time Counter: 19.7 - 28}

Closing by Sponsor:

REP. LANGE did not wish to comment further on the bill, in the interest of time.

HEARING ON HB 698**Opening Statement by Sponsor:**

REP. LANGE opened the hearing on **HB 698**, a bill to establish a warm water fishery account for the warm water fishery enhancement program. He explained that funds from the existing Future

Fisheries Account are generally granted to cold water fishery projects. This bill will establish a separate account for warm water fisheries projects and the account will be sustained through voluntary donations. He believes this bill will prevent future arguments over how the Future Fisheries Funds should be used. There will be a fiscal impact resulting from costs associated with updating Fish, Wildlife and Parks (FWP) licensing fees to reflect this change in accounts. The department has not been able to estimate the amount of revenue this program will create.

(REP. GLASER entered the hearing.)

{Tape: 3; Side: A; Approx. Time Counter: 28 - 33; Comments: End of Tape 3, Side A.}

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. MORGAN asked for examples of warm water fish. **REP. LANGE** answered that paddlefish, small mouth bass, walleye, northern pike, and crappie are all warm water fish.

CHAIRMAN BUZZAS asked if the licensing updates could be administered as part of the statewide computer updates in order to reduce costs. **REP. LANGE** replied that conversations with FWP have led him to believe that it will not cost as much to complete the updates as is listed in the estimate.

Closing by Sponsor:

REP. LANGE stated that this piece of legislation will help to resolve the conflict over the use of Future Fisheries Funds. This bill will allow more opportunities for those wishing to be involved with warm water fisheries projects.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 6.4}

HEARING ON HB 749

Opening Statement by Sponsor:

REP. RICK RIPLEY, HD 17, Wolf Creek, opened the hearing on **HB 749**, a bill to revise the nursing home bed tax. He said that

this bill will increase the utilization fee for nursing home beds. Nursing homes have paid a fee on their days of care since 1991; this fee is used with matching Federal Medicaid Funds to heighten Medicaid payments to Montana nursing home facilities. The fee amount will be increased over the next two years in an effort to bring Medicaid payment rates in line with the provider's costs. Without available General Fund money, raising the utilization fees is one means of improving Medicaid payments. This ensures that the rate increase will not be passed onto the patients.

Proponents' Testimony:

Rose Hughes, Montana Health Care Association, stated that HB 749 is a step to provide adequate funding of nursing home services for Medicaid beneficiaries. Current Medicaid rates are not enough to supply the quality of services to be provided to nursing home patients. Ms. Hughes submitted her written testimony for the record.

EXHIBIT(aph56a05)

{Tape: 3; Side: B; Approx. Time Counter: 6.4 - 19}

Bob Olsen explained that Montana Medicaid is not currently paying nursing homes the full costs to provide care for serving Medicaid beneficiaries. This bill will use provider fees to match federal Medicaid funds and close the payment-to-cost gap.

EXHIBIT(aph56a06)

Kelly Williams, Senior and Long-Term Care Division, DPHHS, said the Division manages payments to Medicaid-funded nursing facilities in Montana. The nursing facility payment is the largest single line item in the Division's Budget, with Medicaid reimbursing for approximately 60% of the days of care offered in nursing home facilities in Montana. The department has assessed that there will be a fiscal impact as a result of increased tax on the Montana Mental Health Nursing Care Center and the Montana Veterans Home. The department believes the benefits of an increased reimbursement outweigh the increased costs needed to pay the tax on these facilities.

{Tape: 3; Side: B; Approx. Time Counter: 19 - 25.8}

Opponents' Testimony: None.

Informational Testimony:

Russell Trasky, Department of Revenue (DOR), told the Committee that he would be available for questions.

Questions from Committee Members and Responses:

REP. KAUFMANN asked if the \$7 million appropriation in the bill would affect the budget cap. **REP. RIPLEY** replied that it would.

CHAIRMAN BUZZAS asked for an explanation of the approximately \$89,000 listed on the fiscal note. **Ms. Williams** explained that this referred to the General Funds required for the Montana Mental Health Nursing Care Center to pay the tax for their share.

Closing by Sponsor:

REP. RIPLEY said that the bill is necessary to provide high quality care without passing the costs onto the patients.

{Tape: 3; Side: B; Approx. Time Counter: 25.8 - 32; Comments: End of Tape 3, Side B}

CHAIRMAN BUZZAS went over the Committee's hearing schedule and the House floor schedule for the coming week. The Committee then recessed until after the House floor session.

(CHAIRMAN BUZZAS was excused when the hearing reconvened at approximately 3:30 P.M.)

{Tape: 4; Side: A; Approx. Time Counter: 0 - 18}

HEARING ON HB 151**Opening Statement by Sponsor:**

REP. KATHLEEN GALVIN-HALCRO, HD 26, GREAT FALLS opened the hearing on **HB 151**, a bill that would allow the Board of Regents to waive some university tuition for K-12 teachers' continuing education credits. The credits could accrue over a five year period or be used at the same time. She feels this is a necessary piece of legislation because many teachers enter the work force significantly in debt, yet are required to continue their education to maintain a teaching certificate. This bill could also allow teachers to obtain endorsements in subject areas where there is a shortage. There is one proposed amendment to the bill, which would require that the teacher agree to stay with their current school district for every three credits waived.

{Tape: 4; Side: A; Approx. Time Counter: 18 - 22.7}

Proponents' Testimony:

Erik Burke, Montana Education Association-Montana Federation of Teachers (MEA-MFT), testified that the need for highly qualified teachers is increasing along with the costs of education. This bill will help school districts to get qualified professionals into areas of high need.

Opponents' Testimony: None.

Informational Testimony:

Rod Sundsted, Montana University System, added that the University System would like to ensure that the Committee fund the bill. If the bill is not funded, the responsibility will fall to other university students.

Questions from Committee Members and Responses:

REP. KAUFMANN asked for further explanation of the funding for the bill. **Mr. Sundsted** stated that the fiscal note shows over 50 percent of the costs through tuition increases. He believes that if the State adopts this policy, they should fund it entirely rather than placing the burden on university students.

REP. JUNEAU asked why the sponsor did not sign the fiscal note.

REP. GALVIN-HALCRO replied that she did not sign the fiscal note because she agrees the program should be funded entirely by the State.

REP. JUNEAU asked how the Committee could approve the bill if they did not agree with the fiscal note. **Mr. Moe** replied that passing the bill without appropriating any money would result in an unfunded mandate. The fiscal note does nothing more than provide information. The Committee can appropriate the funds as they see fit.

Closing by Sponsor:

REP. GALVIN-HALCRO asked the Committee to support the bill on the grounds that it is an avenue for teachers to improve their qualifications and address areas of need across the State. She added that the bill was never intended to increase tuition costs for existing students.

(CHAIRMAN BUZZAS entered the hearing.)

{Tape: 4; Side: A; Approx. Time Counter: 22.7 - 32; Comments: End of Tape 4, Side A}

(REP. MORGAN and REP. TAYLOR were absent from Executive Action.)

EXECUTIVE ACTION ON HB 687

Motion: REP. CALLAHAN moved that HB 687 DO PASS.

Discussion:

Mr. Moe explained the proposed amendment to clarify language in the bill.

EXHIBIT (aph56a07)

REP. KAUFMANN stated that this bill fills in the gaps in tobacco tax laws. The amendment will make the bill more workable.

REP. MCNUTT was concerned about the aspect of car seizure included in the bill. He stated that he will not support the bill without an amendment.

After lengthy discussion, the Committee decided to postpone Executive Action on HB 687 until the sponsor of the bill had prepared his amendments.

REP. CALLAHAN withdrew his motion, without objection.

EXECUTIVE ACTION ON HB 721

Motion: REP. FRANKLIN moved that HB 721 DO PASS.

Discussion:

REP. JAYNE said that she thought there was an amendment to the bill. **REP. KAUFMANN** responded that the sponsor has not indicated that he wished to have the bill amended.

Vote: Motion carried 13-7 by roll call vote with **REP. HAWK**, **REP. JAYNE**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, **REP. TAYLOR**, and **REP. WELLS** voting no. **REP. MORGAN** and **REP. TAYLOR** voted by proxy. {Tape: 4; Side: B; Approx. Time Counter: 0 - 17.5}

EXECUTIVE ACTION ON HB 57

Motion: REP. FRANKLIN moved that HB 57 DO PASS.

Discussion:

REP. WELLS asked why the fiscal note had been changed to zero.

REP. SESSO stated that the fiscal note was changed because the total dollar impact was less than \$5,000 and would be absorbed within current staff of the Department of Environmental Quality (DEQ).

REP. SINRUD asked if there were potential environmental ramifications with the bill. **REP. WITT** replied that he understood there could be environmental issues.

REP. RIPLEY commented that he did not see how the fiscal impact given on the original fiscal note could be addressed within the DEQ. **REP. WITT** advised him to reference Item 2 in the assumptions on the fiscal note.

REP. MUSGROVE said that the old fiscal note had referenced a solvent leak situation that had occurred in Bozeman. He asked **REP. SINRUD** to further discuss that situation. **REP. SINRUD** explained that there had been a solvent leak at a laundry facility in Bozeman, which resulted in the City being sued.

REP. MUSGROVE stated that this bill will help private citizens who are caught in the plume of such instances of contamination to receive an adequate response. He encouraged the Committee members to support the bill.

REP. KAUFMANN agreed that this bill will allow the Fund to reimburse citizens while they are in the process of collecting damages from the responsible parties.

{Tape: 4; Side: B; Approx. Time Counter: 17.5 - 27.6}

REP. SINRUD commented that the City of Bozeman has since provided water and sewer to at no cost to those individuals who were harmed as a result of the solvent contamination. He added that this bill will do nothing to help those who were affected in the Bozeman contamination situation and he will oppose the bill.

REP. SESSO stated that this bill will only give private citizens recourse if they are in an area that has been contaminated. If this bill does not pass, citizens who are in a polluted area will have no way to pay for the damages. He reiterated that the bill does not change any environmental law.

{Tape: 4; Side: B; Approx. Time Counter: 27.6 - 33; Comments: End of Tape 4, Side B}

Vote: Motion failed 10-10 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MUSGROVE, and REP. SESSO voting yes. REP. MORGAN and REP. TAYLOR voted by proxy.

EXECUTIVE ACTION ON HB 475

Motion: REP. WITT moved that HB 475 DO PASS.

Discussion:

CHAIRMAN BUZZAS said that the bill has a zero fiscal note because it could be included in the costs of overall computer system upgrades.

Vote: Motion carried 17-3 by voice vote with REP. GLASER, REP. HAWK, and REP. JAYNE voting no.

EXECUTIVE ACTION ON HB 385

Motion: REP. WELLS moved that HB 385 DO PASS.

Discussion:

REP. WELLS explained that the fiscal note for this bill has been changed to zero for the same reasons as the previous bill discussed.

REP. GLASER commented that the new fiscal note should be paired with the bill before it reaches the Floor. REP. WELLS indicated that he would ensure the new fiscal note was paired with the bill.

Vote: Motion carried 18-2 by voice vote with REP. JAYNE and REP. KAUFMANN voting no.

{Tape: 5; Side: A; Approx. Time Counter: 0 - 6.8}

EXECUTIVE ACTION ON HB 241

Motion: REP. FRANKLIN moved that HB 241 DO PASS.

Discussion:

REP. JAYNE said that she did not feel the bill was necessary even though it only deals with a small amount of money. She said there should be a way to deal with the request within the Executive Branch.

REP. SINRUD agreed that the Governor should be able to take care of the request through power of Executive.

Vote: Motion failed 6-14 by roll call vote with **REP. BUZZAS**, **REP. HINER**, **REP. JACKSON**, **REP. LENHART**, **REP. MUSGROVE**, and **REP. SESSO** voting aye. **REP. MORGAN** and **REP. TAYLOR** voted by proxy.

Motion/Vote: **REP. FRANKLIN** moved that HB 241 BE TABLED. Motion carried 14-6 by voice vote with **REP. BUZZAS**, **REP. HINER**, **REP. JACKSON**, **REP. LENHART**, **REP. MUSGROVE**, and **REP. SESSO** voting no.

EXECUTIVE ACTION ON HB 513

Motion/Vote: **REP. FRANKLIN** moved that HB 513 DO PASS. Motion carried 14-6 by roll call vote with **REP. GLASER**, **REP. HAWK**, **REP. MORGAN**, **REP. RIPLEY**, **REP. WELLS**, and **REP. WITT** voting no. **REP. MORGAN** and **REP. TAYLOR** voted by proxy.

{Tape: 5; Side: A; Approx. Time Counter: 6.8 - 13.1}

EXECUTIVE ACTION ON HB 552

Motion: **REP. FRANKLIN** moved that HB 552 DO PASS.

Discussion:

CHAIRMAN BUZZAS stated that currently part of HB 2, Health and Human Services Budget, is contingent upon passage of this bill. She supports the bill because it will provide a means of insuring a greater number of children in the State. She feels this will be a cost savings to the State in the long run.

REP. KAUFMANN added that the bill has passed through the Health and Human Services Subcommittee and will prevent more costly Medicaid bills in the future. **REP. FRANKLIN** agreed.

REP. SINRUD asked how many children are uninsured as the result of choice, rather than not qualifying for Medicaid. **REP. KAUFMANN** replied that she was not able to pinpoint an exact number at this time.

REP. SINRUD stated that he opposes that bill because he thinks it adds more reliance upon federal dollars. Health care facilities will support the measure no matter what, because they are getting reimbursed. He added that this bill will put more of a tax burden on those individuals just above the cusp to qualify for Medicaid, who may not be able to afford it.

REP. WELLS asked if the total costs to Montana included in the bill would apply toward the budget cap. **Mr. Moe** replied that they would.

REP. WELLS stated that the Committee must look at using cuts at some point because they are still over appropriated in regard to the cap. For this reason, he cannot support the bill. **REP. KAUFMANN** replied that the funding from I-149 applies toward the cap no matter where it is spent.

REP. BUZZAS pointed out the Montana is one of only seven states that still use the asset test. This bill will insure 3,800 more children in the State, which will in turn bring everyone's costs down.

REP. SESSO said that the Committee must consider the bill as a means to address the problem of poor families who need health insurance for their children, not the cap issue.

{Tape: 5; Side: A; Approx. Time Counter: 13.1 - 24.7}

REP. GLASER pointed out that there were inconsistencies in the appropriation amounts referenced in the bill. **REP. KAUFMANN** stated that perhaps the appropriation had not been changed to reflect the amendments to the bill.

CHAIRMAN BUZZAS suggested that the Committee postpone action on the bill until the appropriation amounts had been clarified.

REP. FRANKLIN withdrew her motion, without objection.

{Tape: 5; Side: A; Approx. Time Counter: 24.7 - 28.4}

EXECUTIVE ACTION ON HB 673

Motion: **REP. WITT** moved that HB 673 DO PASS.

Discussion:

REP. WITT commented that the bill had only a \$50 fiscal note and he had discussed with CHAIRMAN BUZZAS the possibility of sending the bill straight through to the floor.

*{Tape: 5; Side: A; Approx. Time Counter: 28.4 - 31.1; Comments:
End of Tape 5, Side }*

REP. KAUFMANN asked if the bill had been referred to the Committee, would a motion on the House floor be needed to send it

back. **REP. GLASER** said there would need to be a motion on the House floor to take the bill back and put it on third reading.

REP. WITT withdrew his motion, without objection.

{Tape: 5; Side: B; Approx. Time Counter: 0 - 6}

EXECUTIVE ACTION ON HB 327

Motion/Vote: **REP. SESSO** moved that HB 327 DO PASS. Motion carried unanimously by voice vote. **REP. MORGAN** and **REP. TAYLOR** voted by proxy.

EXECUTIVE ACTION ON HB 704

Motion: **REP. FRANKLIN** moved that HB 704 DO PASS.

Discussion:

REP. SESSO stated that in testimony for the bill, the department had indicated that they would need additional funding to expedite the bill's intent. He also asked the Committee to consider the discussion of passing an unfunded mandate that took place during hearing of the bill. He asked what would happen if the bill was passed without adequate funding. **Mr. Moe** explained that there are certain risks associated with passing an unfunded mandate, the most serious being that the department could be sued for not implementing the program if they are unable to do so without funding.

REP. GLASER stated that he did not have any problem passing the bill at this point because the appropriation could still be addressed on the House floor. **REP. KAUFMANN** agreed.

REP. WITT commented that there would be several bills in with an appropriation situation similar to this one. He asked if there was a uniform way to address all such bills. **Mr. Moe** replied that there will still be opportunities along the legislative process to adjust the appropriations for these kinds of bills.

{Tape: 5; Side: B; Approx. Time Counter: 6 - 15.4}

REP. JACKSON said that he had a similar situation with one of his bills and was told to speak with the agency before taking the appropriation out of the bill.

REP. MCNUTT asked how the department could be expected to comply with the bill if it was not funded. He did not believe the Committee should pass a bill without its appropriation.

Vote: Motion failed 10-10 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MUSGROVE, and REP. SESSO voting aye. REPS. MORGAN and TAYLOR voted by proxy.

{Tape: 5; Side: B; Approx. Time Counter: 15.4 - 19.9}

EXECUTIVE ACTION ON HB 236

Motion: REP. JACKSON moved that HB 236 DO PASS.

Motion/Vote: REP. JUNEAU moved that HB023601.ajm BE ADOPTED.

Motion carried unanimously by voice vote.

EXHIBIT(aph56a08)

Discussion:

REP. WELLS asked why the fiscal note had been adjusted to zero.

REP. JACKSON responded that the department has agreed to find the money within their own budget for this project. They did not feel the bill would be passed if it included a General Fund appropriation at this point.

REP. RIPLEY asked how this was possible when the department had been listed as having no operative budget on the original fiscal note. REP. JACKSON replied that the department will attempt to accommodate a scaled-down version of the project within their budget. They are hoping some Resource Indemnity Trust (RIT) Funds will become available in the future.

CHAIRMAN BUZZAS explained that only a small amount of money had been eliminated from the fiscal note. The reason for doing this was to ensure that the task force will continue to have the authority to keep meeting in the future. The department is discussing the possibility of raising private funds to address costs.

REP. WITT asked if the Committee needed to prepare some guidelines on how to address similar bills that may need to be passed without their appropriations. REP. FRANKLIN replied that the concept of passing these sort of bills out of committee is not new. It is up to the Committee to decide whether or not these bills can be managed without the appropriation at this point.

REP. JACKSON further discussed the pros and cons of passing these kinds of bills out of committee.

{Tape: 5; Side: B; Approx. Time Counter: 19.9 - 33; Comments: End of Tape 5, Side B}

Vote: Motion carried 17-3 by roll call vote with REP. RIPLEY, REP. SINRUD, and REP. WITT voting no. REP. MORGAN and REP. TAYLOR voted by proxy.

EXECUTIVE ACTION ON HB 541

Motion/Vote: REP. GLASER moved that HB 541 DO PASS. Motion carried unanimously by voice vote. REPS. MORGAN and TAYLOR voted by proxy.

EXECUTIVE ACTION ON HB 628

Motion: REP. SINRUD moved that HB 628 DO PASS.

Motion: REP. CALLAHAN moved that HB062803.asb BE ADOPTED.
[EXHIBIT](#)(aph56a09)

Discussion:

REP. CALLAHAN said that this amendment clarifies the definition of what is a youth care facility.

REP. JAYNE asked if this amendment will address DPHHS concerns. REP. CALLAHAN responded that it would. The amendment will address private facilities, which receive no public funds and do not accept referrals from public facilities.

Vote: Motion carried unanimously by voice vote.

{Tape: 6; Side: A; Approx. Time Counter: 0 - 9.8}

Motion: REP. RIPLEY moved that HB062802.asb BE ADOPTED.
[EXHIBIT](#)(aph56a10)

Substitute Motion: REP. KAUFMANN moved TO SEGREGATE ITEM NUMBER 11.

Discussion:

REP. KAUFMANN said that she would like the department to also report to the Interim Committee on Children and Families Health and Human Services. She felt that it would be easier to handle this conceptual amendment if the item was segregated from the rest of the amendment.

REP. SINRUD asked why Item 11 was written to only include the Economic Affairs Interim Committee. **REP. KAUFMANN** replied that she thought this was because Economic Affairs is the committee that the Department of Labor (DOL) will typically report to during the interim.

Vote: Motion carried unanimously by voice vote.

Motion: **REP. KAUFMANN** moved that THE CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion:

REP. WELLS asked if **REP. KAUFMANN** had consulted with the bill's sponsor before proposing the amendment. **REP. KAUFMANN** replied that she had not. **REP. WELLS** stated that he would oppose the amendment because he felt it was unnecessary and will place the department under the control of the committee.

{Tape: 6; Side: A; Approx. Time Counter: 9.8 - 17.4}

REP. JACKSON agreed that he would oppose the amendment because it had not been discussed with the sponsor of the bill.

REP. SINRUD said that asking the department to report to an additional committee would increase costs.

Vote: Motion failed 7-13 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. JUNEAU**, **REP. KAUFMANN**, **REP. LENHART**, and **REP. MUSGROVE** voting aye. **REP. MORGAN** and **REP. TAYLOR** voted by proxy.

Motion/Vote: **REP. KAUFMANN** moved TO REPLACE SECTION 11 BACK INTO THE ORIGINAL AMENDMENT. Motion carried by voice vote with **REP. MUSGROVE** and **REP. RIPLEY** voting no.

{Tape: 6; Side: A; Approx. Time Counter: 17.4 - 22.3}

REP. BUZZAS said that she would oppose the bill because she believes all programs in the State should be required to meet at least minimal standards.

REP. FRANKLIN stated that she would vote for the bill because of testimony in subcommittee that had indicated to her that this bill will ultimately raise standards for all youth facilities operating within the State.

REP. JACKSON stated that he believes this bill is necessary to provide the flexibility necessary for these facilities to adequately address the treatment of youth.

Motion/Vote: **REP. SINRUD** moved HB 628 DO PASS AS AMENDED.
Motion carried 15-5 by roll call vote with REP. BUZZAS, REP. JUNEAU, REP. KAUFMANN, REP. MUSGROVE, and REP. WITT voting no. REP. MORGAN and REP. TAYLOR voted by proxy.

{Tape: 6; Side: A; Approx. Time Counter: 22.3 - 31; Comments: End of Tape 6, Side A}

EXECUTIVE ACTION ON HB 13

Motion/Vote: **REP. RIPLEY** moved that HB 13 BE TABLED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 268

Motion/Vote: **REP. RIPLEY** moved that HB 268 BE TABLED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 263

Motion: **REP. JAYNE** moved that HB 263 BE TABLED.

(Note: Consent of Committee members to discuss non-debatable motion to table is implied.)

Discussion:

REP. SINRUD said that consistency in government complaint forms is important and he felt the Committee should have a discussion on the bill.

REP. KAUFMANN asked if the sponsor had prepared any of his amendments. **Mr. Moe** stated that he had not received any request for amendments from the sponsor.

REP. KAUFMANN stated that DPHHS had indicated in their testimony that they would have difficulty fitting a universal form to the various programs they offer. The department had requested that they be amended out of the bill.

REP. FRANKLIN commented that adding exceptions to the rule defeated the purpose of having a universal form.

Vote: Motion carried 12-8 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. RIPLEY, REP. SINRUD, and REP. TAYLOR voting no. REP. MORGAN and REP. TAYLOR voted by proxy.

{Tape: 6; Side: B; Approx. Time Counter: 0 - 8}

EXECUTIVE ACTION ON HB 548

Motion/Vote: REP. SINRUD moved that HB 548 BE TABLED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 426

Motion: REP. KAUFMANN moved that HB 426 DO PASS.

Discussion:

REP. KAUFMANN explained that this bill's purpose was to make the retirement for city police officers the same as for county and State officers. She asked the Committee to support the bill.

REP. SINRUD stated that there was no indication of the long-term fiscal impacts of passing this bill. He said he is not willing to pass a bill that has unknown long term ramifications.

Substitute Motion: REP. SINRUD made a substitute motion that HB 548 BE TABLED.

Vote: Motion carried 16-4 by roll call vote with REP. FRANKLIN, REP. HINER, REP. KAUFMANN, and REP. SESSO voting no. REP. MORGAN and REP. TAYLOR voted by proxy.

{Tape: 6; Side: B; Approx. Time Counter: 8 - 13.3}

EXECUTIVE ACTION ON HB 700

Motion: REP. RIPLEY moved that HB 700 DO PASS.

Discussion:

REP. KAUFMANN asked for an explanation of the fiscal note and its impacts on the State. She wanted to know if the bill essentially moved money from the State coffers to county coffers. REP. SINRUD replied that the sponsor of the bill had indicated that this was correct. Mr. Moe added that the bill changes the distributions of the funding. This results in a decrease in General Fund Revenue and an increase in State Special Revenue.

This will affect the cap, but it could be argued that there is no change because the General Fund will not be spent anywhere.

REP. SINRUD said he would support the bill because it gives money to the counties so they can handle local issues.

REP. BUZZAS stated that she would vote against the bill because of the General Fund cap issue.

Vote: Motion carried 13-7 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. HINER**, **REP. JUNEAU**, **REP. KAUFMANN**, and **REP. MUSGROVE** voting no. **REP. MORGAN** and **REP. TAYLOR** voted by proxy.

EXECUTIVE ACTION ON HB 672

Motion: **REP. CALLAHAN** moved that HB 672 DO PASS.

Discussion:

REP. JACKSON commented that the bill would allow school districts to save some of their money at the end of the year, rather than come up with a quick plan to spend it. He believes this is good policy, but the bill will also affect the cap. **Mr. Moe** replied that the bill will affect the cap.

REP. GLASER stated that he believed the fiscal note was incorrect. **REP. MCNUTT** agreed that the fiscal note was incorrect because he does not think there will be an impact or change because the schools will have already been appropriated the money in question. **REP. RIPLEY** also felt there would be no impact to the spending cap.

Vote: Motion carried 17-3 by voice vote with **REP. CALLAHAN**, **REP. JUNEAU**, and **REP. SESSO** voting no. **REPS. MORGAN** and **TAYLOR** voted by proxy.

CHAIRMAN BUZZAS concluded the order of business for the day and adjourned the meeting.

{Tape: 6; Side: B; Approx. Time Counter: 13.3 - 27.9}

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

LAURA DILLON, Secretary

RB/ld

Additional Exhibits:

EXHIBIT ([aph56aad0.PDF](#))

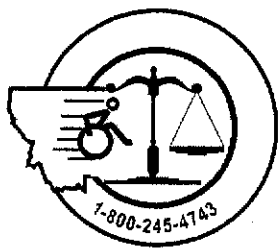


EXHIBIT 1
DATE 3/14/05
HB 395

MONTANA ADVOCACY PROGRAM

The Civil Rights Protection & Advocacy System for the State of Montana

Main Office

400 North Park Avenue
P.O. Box 1681
Helena, Montana 59624
406-449-2344 Voice/TDD
406-449-2418 FAX
E-mail:
advocate@mtadv.org

Visit us on the web at:
www.mtadv.org

Missoula Office

1280 S. 3rd Street West
Suite 4
Missoula, Montana 59801
406-541-4357 Voice/TDD
406-541-4360 FAX

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Miles City

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Helena

John Martin, Esq.
Great Falls

Gay Moddrell
Kalispell

Diana Tavary
Helena

Ken Luraas
Advisory Council Chair
Lewistown

March 24, 2005

House Appropriations Committee
Rep. Rosie Buzzas, Chairman

RE: HB 395, Precommitment detention, examination and treatment costs

Dear Madame Chairman and Committee Members,

The Montana Advocacy Program strongly opposes HB 395.

This bill:

- **Creates a financial incentive to civilly commit people to the Montana State Hospital.** HB 395 rewards the county for every commitment petition that results in a commitment order (because the state must pay for all costs), but penalizes the county for every commitment proceeding that is dismissed by the county attorney or by the judge because the person no longer meets commitment criteria (because then the county must pay for all costs.)
- **Removes the only financial disincentive to bringing civil commitment proceedings, rather than providing accessible local crisis prevention and intervention services.** The \$27 million per year cost of treating individuals after they are committed to the State Hospital is paid entirely by the state and almost entirely with general fund dollars. Precommitment costs are the only commitment costs that counties bear.
- **Removes an important financial incentive for counties to begin addressing the need for effective crisis response plans and services in their communities.** Responding to mental health crisis in the community is as much a county responsibility as the provision as responding to fire, flood and other crisis. The local leadership, coordination of local services and financial contribution of county government is critical.
- **Does nothing to address the problem at the heart of the lack of adequate local mental health crisis services: the fact that a majority of individuals committed to the Montana State Hospital**

have no insurance, so the only level of mental health care available to them is the State Hospital. Clearly, the solution to this problem is going to have to be a county-state partnership. In fact, such a partnership is already required by state law, at § 53-21-139, MCA (requiring the department to develop crisis interventions programs and to assist counties with developing county plans for crisis intervention services and for the provision of alternatives to jail placement).

- **Will eventually force increased general fund appropriations for the State Hospital, further aggravating the problem of inadequate funding for local crisis response and short-term stabilization services.** With an incentive not to dismiss commitment petitions, and no incentive to address gaps in local crisis response and short-term stabilization services, HB 395 would contribute to the growth of the State Hospital's daily census—which increasingly often exceeds its licensed capacity. SB 395's fiscal note does **not** include this future cost to the state general fund.

For people with serious mental illness, civil commitment is the most restrictive, disruptive and traumatic kind of mental health intervention. It entails being removed from the community, being transported to the state Hospital in the back of a patrol car (or on an airplane) in handcuffs and shackles, and completing lengthy, long-distance discharging planning before being allowed to return home. Civil commitment proceedings are expensive for counties, but even more costly to the person committed, who often loses housing, personal property and pets, a job, and even relationships with providers, friends and family as a result of removal from the community.

Mental health crises can and must be addressed locally, by a partnership of local and state government. Any relief from precommitment costs for counties should emerge from that partnership, rather than through HB 395.

Thank you for considering these important issues.

Yours truly,



Anita Roessmann
Staff Attorney

HOUSE OF REPRESENTATIVES

Roll Call APPROPRIATIONS COMMITTEE

DATE Monday 3/14/05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. ROSIE BUZZAS, CHAIR	X		
REP. CAROL JUNEAU, VICE CHAIR	X		
REP. JOHN WITT, VICE CHAIR	X		
REP. TIM CALLAHAN	X		
REP. EVE FRANKLIN	X		
REP. BILL GLASER		X	
REP. RAY HAWK	X		
REP. CYNTHIA HINER	X		
REP. VERDELL JACKSON	X		
REP. JOEY JAYNE	X		
REP. CHRISTINE KAUFMANN	X		
REP. RALPH LENHART	X		
REP. WALT McNUTT	X		
REP. JOHN MUSGROVE	X		
REP. PENNY MORGAN	X		
REP. RICK RIPLEY			X
REP. JOHN SESSO	X		
REP. JOHN SINRUD	X		
REP. JANNA TAYLOR		X	
REP. JACK WELLS	X		



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 721** (second reading copy - yellow) do pass.

Signed: Rosalie Buzzas
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 13, No 7.

571043SC.hkh
3/15/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 475** (second reading copy -
- yellow) do pass.

Signed: Rosalie Buzzas
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 17, No 3.

571044SC.hkh
3/15/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 385** (second reading copy - yellow) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 18, No 2.

571040SC.hkh
3/15/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 513** (second reading copy -
- yellow) **do pass**.

Signed: Rosalie Buzzas
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 14, No 6.

571039SC.hkh
3/15/05
jhw



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 327** (second reading copy - yellow) do pass and be placed on the consent calendar.

Signed: Rosalie Buzzas
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 20, No 0.

571054SC.hkh
3/15/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 236** (second reading copy - yellow) do pass as amended.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 2, line 23.
Following: "local"
Insert: "and tribal"

- END -

Committee Vote:
Yes 17, No 3.

571048SC.hkh
3/15/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 541** (second reading copy - yellow) **do pass and be placed on the consent calendar.**

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 20, No 0.

571055SC.hkh
3/15/05
jbr



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 3

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 628** (second reading copy - yellow) **do pass as amended.**

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Title, line 6.

Following: "RESIDENTIAL"

Insert: "OR OUTDOOR"

2. Page 1, line 13.

Following: "residential"

Insert: "or outdoor"

3. Page 1, line 14.

Following: "residential"

Insert: "or outdoor"

4. Page 1, line 18.

Strike: "2"

Insert: "3"

5. Page 1, line 22.

Insert: "NEW SECTION. Section 2. Purpose. The purpose of the board is to examine the benefit of licensing private alternative adolescent residential or outdoor programs as a public service to monitor and maintain a high standard of care and to ensure the safety and well-being of the adolescents and parents using the programs. Necessary licensure processes and safety standards for programs are best developed and monitored by the professionals

Committee Vote:

Yes 15, No 5.

571056SC.hkh

3/15/05
jbn

that are actively engaged in providing private alternative adolescent residential care."

Renumber: subsequent sections

6. Page 1, line 23.

Strike: "[section 3]"

Insert: "[sections 2 through 4]"

7. Page 1, line 24.

Following: "residential"

Insert: "or outdoor"

8. Page 1, line 27.

Following: "residential"

Insert: "or outdoor"

9. Page 2, line 2.

Strike: "youth care facilities as provided in 52-2-602"

Insert: "any program that is required to be licensed or regulated by the state under Title 50, 52, or 53"

10. Page 2, line 17.

Strike: "whether"

Following: "standards"

Insert: "that"

11. Page 2, line 18.

Following: line 17

Insert: "(d) examine the quality of child care available in the various programs, any aspects of existing programs that need improvement, and the positive contributions to or negative interactions with local communities;"

Renumber: subsequent subsections

12. Page 2, line 19.

Strike: "2007 legislature"

Insert: "economic affairs interim committee"

Following: "findings"

Strike: "and"

Insert: ", "

Following: "recommendations"

Insert: ", and proposed legislation, if any, by September 15,

2006"

13. Page 3, line 13.

Strike: "and 3"

Insert: "through 4"

14. Page 3, line 14.

Strike: "and 3"

Insert: "through 4"

- END -



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 700** (second reading copy - yellow) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 13, No 7.

571046SC.hkh
3/15/05
jbu



HOUSE STANDING COMMITTEE REPORT

March 15, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 672** (second reading copy - yellow) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 17, No 3.

571045SC.hkh
3/15/05
jbu

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE APPROPRIATIONS COMMITTEE** TABLED HB 13, HB 241, HB 263, HB 268, HB 426, HB 548, by motion, on **Monday, March 14, 2005**.

M McLean
(For the Committee)

WMP
(Chief Clerk of the House)

8:25 / 3/15
(Time) (Date)

March 15, 2005

Marcy McLean, Secretary

Phone: 444-1511

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO. HB 721 MOTION NO. 1
 MOTION: Franklin- do pass HB 721

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO. HB 51 MOTION NO. 2

MOTION: Franklin - do pass HB 51

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB 241 MOTION NO. 3
 MOTION: Franklin - HB 241 do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB 513 MOTION NO. 4
 MOTION: Franklin - do pass HB 513

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB704 MOTION NO. 5
 MOTION: Franklin - do pass HB704

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO		✓	
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB236 MOTION NO. 6

MOTION: Jackson- do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB 628 MOTION NO. 7
 MOTION: Kaufmann - conceptual amend, segregated
#11 of amendment

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO		✓	
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB 628 MOTION NO. 8
 MOTION: Sinrud - do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓	✓	✓
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05

BILL NO HB 263 MOTION NO. 9

MOTION: Jayne - motion to table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	✓
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO 426 MOTION NO. 10
 MOTION: Sinrud- subs. motion to table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		✓
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/14/05 BILL NO HB700 MOTION NO. 11
 MOTION: Ripley - do pass HB700

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		✓
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

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COMMITTEE PROXY

DATE 3-14-05

I request to be excused from the APPROPRIATIONS
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with John Sincard

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

	AYE	
HB 721		X
HB 57		X
HB 475	X	
HB 385	X	
HB 241		X
HB 327	X	
HB 704	X	X
HB 236	X	
AMENDMENT AMEN. HB 236	X	
HB 628	X	
HB 628	X	
HB 628 FAILED		X

HB 628	X	
HB 263		X
HB 426 table	X	
HB 700 DO PASS	X	
HB 548 table	X	
HB 268 table	X	
HB 13 table	X	
HB 728 DO	X	
HB 541	X	
HB 672	X	

Rep. James J. Duncan
(Signature)

AMENDMENT
HB 236
1ST AMENDMENT
2ND AMENDMENT
3RD AMENDMENT
4TH AMENDMENT
#11 BY KADUNA
#11 AS ORIGINALLY PROPOSED

COMMITTEE PROXY

DATE 3/14/05

I request to be excused from the Appropria
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with John With

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB 721		N
HB 57		N
HB 475	Y	
HB 385		Y
HB 241		N
HB 513		N
HB 552		N
HB 552		N
HB 704		N
HB 236 amend 23601	Y	
HB 236	Y	
HB 511	Y	

HB 628 Amend 62803	Y	
HB 62802 amend		No
HB 263		No
HB 548	Y	
HB 426	Y	
HB 700	Y	
HB-672	Y	
HB-327	Y	

Rep. Penny Morgan
(Signature)

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-577 Sponsor(s) Rep D. McAlpin

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Jim Kembel	MT ASSOC of Chiefs of Police	X		
Ethan Laman	MT Legal Serv.	X		
Christina Powell	Sexual Assault Center	X		
Kate Chabon	MCADSV	X		
Jessica Grennan	ASUM	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-484 Sponsor(s) Rep L. Jones

PLEASE PRINT

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Cody Ferguson	Northman Music Resource Center	X		
CAROL OLINSTEAD	Dept of Livestock			X
HOWARD REID	DPHHS			X
Linda Gryczan	Grow Montana	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-552 Sponsor(s) Rep. M. Caferro

PLEASE PRINT

PLEASE PRINT

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-721 Sponsor(s) Rep J. Parker

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
<i>John W. Larson</i>	<i>District Judge</i>	<i>X</i>		
<i>Tom Alsburg</i>	<i>P.R.</i>	<i>X</i>		
<i>Bob Sengler</i>	<i>Doc</i>	<i>X</i>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-728 Sponsor(s) Rep M. Lange

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Name and Address	Representing	Support	Oppose	Inf.
Bill Kennedy	Yellowstone Co.	✓		
Harold Blatts	MACO			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB 698 Sponsor(s) Rep M. Lange

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Name and Address	Representing	Support	Oppose	Inf.
Bob Gilbert	WATTEYES Unlimited	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-749 Sponsor(s) Rep R. Ripley

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Kelly Williams	DP/HW	✓		
Bob Olsen	MHA	✓		
Rae Hughes	MHCA	✓		
RUSSELL TRASKY	DOR			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/ AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-151 Sponsor(s) Rep K. Galvin-Halcro

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Name and Address	Representing	Support	Oppose	Inf.
Erik Burke	MEA-MFT	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-395 Sponsor(s) Rep A. Becker

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Name and Address	Representing	Support	Oppose	Inf.
Toni McCall	DBC	✓		
Doug Kaerchar	Hill Co / MACo	✓		
Carl Seilstad	Fergus County	✓		
Kathy McGowan	MT CCMHC	✓		
Leg GALLAGHER	MACA A	✓		
Darden Morris	MACo	✓		
Joyce Delunzio	DBHHS			✓
ANITA ROESSMAN	MAP		✓	
Bill Kennedy	Yellowstone Co.	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/ Approp VisitorReg.sample2003

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-14-05

Bill No. HB-433 Sponsor(s) Rep C. Lambert

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PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Neil Peterson	MT Dept of Revenue			K

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/Approp VisitorReg.sample2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **VICE CHAIRMAN CAROL C. JUNEAU**, on March 23, 2005 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Carol C. Juneau, Vice Chairman (D)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. John Sinrud (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. John E. Witt, Vice Chairman (R)

Members Absent: Rep. Bill E. Glaser (R)

Staff Present: Marcy McLean, Committee Secretary
Laura Dillon, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 791, 3/21/2005
Executive Action: HB 695; HB 423; HB 140; HB 417; HB 521; JB 807; JB 439; HB 440; HB 375; HB 757; HB 99; HB 336; HB 740; HB 395; HB 687; HB 435; HB 640; HB 393; HB 482; HB 521; HB 667; HB 669; HB 336; HB 707; HB 614; HB 124; HB 535; HB 76; HB 757

HEARING ON HB 791**Opening Statement by Sponsor:**

REP. CAROL JUNEAU, HD 16, Browning, opened the hearing on **HB 791**, a bill to fund Indian Education for All. She explained that the bill includes an appropriation of \$7.5 million to fund Indian Education. **REP. JUNEAU** explained the funding sources for the proposed bill and how this would affect local schools. The bill has taken into account recommendations from the Supreme Court ruling on education, the School Renewal Commission and the Appropriations Subcommittee on Education.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 15.3. Comments: REP. WITT and REP. BUZZAS entered the hearing.}

[EXHIBIT\(aph64a01\)](#)

[EXHIBIT\(aph64a02\)](#)

[EXHIBIT\(aph64a03\)](#)

Proponents' Testimony:

Bud Williams, Office of Public Instruction (OPI), stated that HB 791 has the support of OPI. State Superintendent McCulloch feels that all students should leave the Montana education system with an understanding of our Native American heritage and culture. It is her belief that to fully implement Indian Education for All, some very critical groundwork must be met. Mr. Williams continued that additional funding in this bill will go a long way towards allowing schools the money they must have to successfully move Indian Education for All forward in Montana.

Jack Copps, Montana Quality Education Coalition, said that his experience as principal of Poplar High School has helped him to recognize the potential of Native American Students. He feels this bill will ensure that the State will hold the kind of expectations to that will lead children to reach their full potential.

{Tape: 1; Side: A; Approx. Time Counter: 15.3 - 22}

REP. NORMA BIXBY, HD 41, LAME DEER went over the background of the HB 741. It was originally determined that implementing an entirely new program for to insure Indian education would cost approximately \$84 million. The budget of the bill has been drastically reduced to make the program a possibility in this biennium. She added that recent court decisions have made it clear that this disparity in education needs to be addressed. Indian Education for All funding is not included in any of the other school funding bills. She asked that the Committee exceed spending cap limitations if necessary to fund this bill.

{Tape: 1; Side: A; Approx. Time Counter: 22 - 33}

Diane Sands, Montana American Association of University Women, commented that \$3 million was not a lot to ask for implementation of this program. She believes that the program should cost much more, based on what it will entail to implement in the classroom. She agreed that the State should look at funding the program outside the cap.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.5}

Erik Burke, Montana Education Association-Montana Federation of Teachers (MEA-MFT), stated that the bill will place language in statute to bring about the necessary reform in Native American education. He said that Montana teachers simply do not have the resources available to them to properly implement a Native American curriculum. He feels that various agencies have failed to do their part to address funding for Native American education over the years and this bill provides an opportunity to change this.

Linda Gryczan, Montana Women's Lobby; REP. VERONICA SMALL-EASTMAN, HD 42, LODGE GRASS; Robert Murray, Poplar School Board; REP. JOEY JAYNE, HD 15, ARLEE; and Sheila Stearns, Commissioner of Higher Education, asked the Committee to support the bill.

{Tape: 1; Side: B; Approx. Time Counter: 8.5 - 26.3}

Denise Juneau, Attorney, said that Indian education efforts have been ongoing despite zero monetary contribution from the State. She said that after 33 years of neglect, most high school students do not possess even minimal knowledge of Montana's Indian heritage.

EXHIBIT (aph64a04)

{Tape: 1; Side: B; Approx. Time Counter: 26.3 - 32.5; Comments: End of Tape 1, Side B.}

Shawn White Wolf shared a personal account of his experience as a Native American student in Montana Schools. He said he is disappointed that he was unable to receive an adequate cultural education in the Public School System.

REP. FRANKLIN stated that this bill is the result of extensive work by the Subcommittee working group and offered to answer any questions the Committee may have.

David Jersey, Educator, said that this bill will help all children, particularly those living off reservations to have a better understanding of the American Indian background.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 18.5}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. RIPLEY asked if there were any successful Indian education programs in the State currently. **REP. JUNEAU** replied that there are pockets of schools that have implemented some sort of Indian education program including, Great Falls, Browning and Havre Public Schools.

REP. RIPLEY asked if the Subcommittee had reviewed any successful programs being implemented by other states. **REP. JUNEAU** stated that the State of Minnesota provides funding for Native American History to be taught in schools, but no other states have a plan similar to Indian Education for All.

REP. RIPLEY asked where the Montana Constitution requires funding for Indian education. He was worried this may create a practice of funding school curriculum as a line-item. **REP. JUNEAU** replied that the precedent set by recent court cases recognizes the need for funding for Indian education. She added that Indian Education for All is the only case where the funding for a curriculum is included in the Constitution.

REP. RIPLEY asked if \$7.5 million would be enough to implement the program. **Mr. Copps** replied that this would be enough money to properly launch the program. He feels that the State will need to make a priority of ensuring that sufficient resources are allocated for the program in the future.

REP. MORGAN asked why more funding was not included in the Executive Budget. **REP. JUNEAU** explained that the Montana Education Association numbers were submitted to the Executive. She said that she could not comment on the Executive's actions because she was not included in the meetings.

*{Tape: 2; Side: A; Approx. Time Counter: 18.5 - 32.8; Comments:
End of Tape 2, Side A.}*

REP. MORGAN commented that she was concerned too much of the budget is going to OPI, rather than local schools. **Mr. Williams** responded that he believed the funding going to OPI covers the State rate for administrative costs.

REP. TAYLOR asked why establishing relevant curriculum had not been the job of OPI all along. **Mr. Williams** replied that the funding requested is for implementation of curriculum relevant to Native American students. He feels this is an opportunity for the State to address the curriculum funding issue.

REP. WELLS asked **REP. JUNEAU** how she envisioned the program taking place in schools. **REP. JUNEAU** replied that for instance, students could learn about tribal governments during civics class, or include Native American art and culture in regular art and history lessons.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 13.7}

REP. WELLS asked if Native American languages would be taught also. **REP. JUNEAU** responded that she did not think schools would be required to offer classes in Native American languages.

REP. WELLS asked **REP. JUNEAU** if she felt that implementing Indian Education for all would increase the level of achievement among Native American students in the State. **REP. JUNEAU** said that she feels that giving the Native American students' culture the respect and recognition it deserves will increase achievement.

REP. WITT asked if the money appropriated for Indian Education for All would be kept separate from other education appropriations, so that progress could better be tracked. **Mr. Williams** replied that the money would be accounted for.

Closing by Sponsor:

REP. JUNEAU thanked those who had testified on behalf of the bill and asked the Committee for a "do pass" motion.
(**REP. GLASER** entered the hearing.)

EXECUTIVE ACTION ON HB 695

Motion: **REP. JAYNE** moved that HB 695 DO PASS.

Motion/Vote: **REP. JAYNE** moved that HB 695 BE AMENDED TO CHANGE THE APPROPRIATION AMOUNT TO READ \$75,000 PER YEAR. Motion carried 19-1 by voice vote with **REP. RIPLEY** voting no.

Motion/Vote: REP. JAYNE moved that HB 695 DO PASS AS AMENDED.

Motion carried 16-4 by roll call vote with REP. HAWK, REP.

JACKSON, REP. MORGAN, and REP. WELLS voting no.

{Tape: 2; Side: B; Approx. Time Counter: 13.7 - 33; Comments: End of Tape 2, Side B.}

(REP. WITT exited the meeting.)

EXECUTIVE ACTION ON HB 423

Motion/Vote: REP. TAYLOR moved to RECONSIDER THE MOTION on HB 423. Motion failed 10-10 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. RIPLEY, REP. SESSO, REP. TAYLOR, REP. WELLS, and REP. WITT voting aye. REP. WITT voted by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 4.3}

EXECUTIVE ACTION ON HB 140

Motion: REP. FRANKLIN moved that HB 140 DO PASS.

Motion: REP. FRANKLIN moved that HB 140 BE AMENDED.

[EXHIBIT](#) (aph64a05)

Discussion:

Mr. Moe explained that the amendment adds changes language to indicate that the credit counseling service has a responsibility to provide the consumer with a debt management plan and not promote the interests of any third party that is in conflict with the interests of the consumer.

(REP. BUZZAS exited the meeting.)

REP. FRANKLIN added that the bill will address inappropriate alliances between lenders and credit counseling services.

(REP. WITT entered the meeting.)

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. FRANKLIN moved that HB 140 DO PASS AS AMENDED.

Motion carried 18-2 by voice vote with REP. HAWK and REP. WELLS voting no.

EXECUTIVE ACTION ON HB 417

Motion/Vote: REP. SINRUD moved that HB 417 BE TABLED. Motion failed 10-10 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting aye. REP. BUZZAS voted by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 4.3 - 12.3}

EXECUTIVE ACTION ON HB 521

Motion: REP. KAUFMANN moved that HB 521 DO PASS.

Motion: REP. KAUFMANN moved that HB 521 BE AMENDED.
EXHIBIT(aph64a06)

Discussion:

After lengthy discussion, **REP. KAUFMANN** agreed to withdraw her motion until there was someone available to accurately explain the amendment. REP. KAUFMANN withdrew her motion on HB 521 and the amendment, without objection.

EXECUTIVE ACTION ON HB 796

Motion: REP. CALLAHAN moved that HB 796 DO PASS.

Discussion:

REP. CALLAHAN reminded the Committee that this was the appropriation bill for the corrections study.
(REP. WITT exited the meeting.)

REP. BUZZAS asked if the study could possibly be carried out for less than \$200,000. **REP. CALLAHAN** replied that this may be possible and alternate funding sources can be reviewed if the bill moves forward.

Motion: REP. KAUFMANN moved that HB 796 BE AMENDED.
EXHIBIT(aph64a07)

Discussion:

REP. HAWK said that he would resist the amendment and **REP. CALLAHAN** added that he felt the bill would be best left as is.

REP. KAUFMANN withdrew her motion, without objection.

Vote: Motion carried 11-9 by roll call vote with **REP. GLASER**, **REP. JACKSON**, **REP. MCNUTT**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, **REP. TAYLOR**, **REP. WELLS**, and **REP. WITT** voting no. **REP. WITT** voted by proxy.

EXECUTIVE ACTION ON HB 438

Motion/Vote: REP. BUZZAS moved that HB 438 DO PASS. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 440

Motion: REP. SINRUD moved that HB 440 DO PASS.

Motion: REP. FRANKLIN moved that HB 440 BE AMENDED.
[EXHIBIT](#)(aph64a08)

Discussion:

REP. BUZZAS explained that the amendment creates a mechanism for a fund to receive donations to cover the costs of the Ammonia Lock Program.

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. SINRUD moved that HB 440 DO PASS AS AMENDED. Motion carried 15-5 by voice vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. JAYNE, and REP. TAYLOR voting no.

EXECUTIVE ACTION ON HB 375

Motion/Vote: REP. MORGAN moved that HB 375 BE TABLED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 76

Motion: REP. SINRUD moved that HB 76 DO PASS.

REP. SINRUD withdrew his motion, without objection, after he was told that additional work needed to be done on a proposed amendment to the bill.

EXECUTIVE ACTION ON HB 757

Motion: REP. WITT moved that HB 757 DO PASS.

Motion: REP. WITT moved that HB 757 BE AMENDED.
[EXHIBIT](#)(aph64a09)

Discussion:

REP. RIPLEY asked if the bill requires a two-thirds vote on the floor. **CHAIRMAN BUZZAS** answered that it would.

REP. MCNUTT said that this was a good amendment because the bonds will not be issued unless sufficient pay back revenue is demonstrated.

{Tape: 3; Side: A; Approx. Time Counter: 12.3 - 33; Comments: End of Tape 3, Side A.}

REP. JUNEAU asked why it was not notated in the bill that it required a two-thirds vote. **Mr. Moe** replied that the notation would be there if a two-thirds vote is necessary. **REP. MCNUTT** added that he did not believe revenue bonds require a two-thirds vote on the Floor.

After lengthy discussion, the Committee agreed to postpone action on the bill until the two-thirds vote issue was resolved.

EXECUTIVE ACTION ON HB 396

Motion: **REP. MORGAN** moved that HB 395 DO PASS.

REP. MORGAN withdrew her motion, without objection, to allow legislative staff to clarify conflicting amendments that had been offered.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 9.2}

EXECUTIVE ACTION ON HB 99

Motion: **REP. FRANKLIN** moved to RECONSIDER THE MOTION on HB 99.

Discussion:

REP. WELLS asked for the fiscal impact of the bill. **REP. BUZZAS** said that there was a potential appropriation of \$1.3 million and a revenue impact of \$1.6 million. The bill increases the penalties for drunk driving violations.
(**REP. SINRUD** exited the meeting.)

REP. KAUFMANN explained that she had misread the fiscal note the first time the bill was acted upon and she will now support the motion to reconsider.

Vote: Motion carried 18-2 by voice vote with **REP. JAYNE** and **REP. JUNEAU** voting no.

Motion/Vote: **REP. FRANKLIN** moved that HB 99 DO PASS. Motion carried 16-4 by roll call vote with **REP. JAYNE**, **REP. JUNEAU**, **REP.**

KAUFMANN, and REP. MUSGROVE voting no. REP. WITT and REP. SINRUD voted by proxy.

{Tape: 3; Side: B; Approx. Time Counter: 9.2 - 15.1 Comments: REP. KAUFMANN exited the meeting and REP. WITT entered the meeting.}

EXECUTIVE ACTION ON HB 336

Motion/Vote: REP. MORGAN moved that HB 336 DO PASS AS AMENDED. Motion failed 10-10 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting aye. REP. KAUFMANN and REP. SINRUD voted by proxy.

EXECUTIVE ACTION ON HB 740

Motion/Vote: REP. RIPLEY moved that HB 740 DO PASS. Motion failed 8-12 by roll call vote with REP. GLASER, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, and REP. WITT voting aye. REP. SINRUD voted by proxy.
{Tape: 3; Side: B; Approx. Time Counter: 15.1 - 27.3}

EXECUTIVE ACTION ON HB 395

Motion: REP. MORGAN moved that HB 395 DO PASS.

Motion: REP. MORGAN moved that HB 395 BE AMENDED.
[EXHIBIT](#)(aph64a10)

Discussion:

REP. ARLENE BECKER, HD 52, BILLINGS, reminded the Committee that this bill was concerned with who is responsible to pay the precommitment costs of mental health commitments. The amendment was proposed by the counties and is attached to a letter, which outlines what the Department will agree to. This amendment cuts out the fiscal note because it transfers responsibility back to the counties. Although the counties are not completely satisfied with this aspect of the amendment, they are willing to offer it at this time. The amendment does leave the county as the payor of last resort.

REP. JUNEAU asked if the amendment would address concerns that were brought to light during opponent testimony on the bill. REP. BECKER responded that in the original bill proposal, the State was responsible to pay precommitment costs. By taking the Department amendments, the county will be the payor of last

resort, as it is under current law. However, the counties will not be charged more than the going Medicaid rate.

{Tape: 3; Side: B; Approx. Time Counter: 27.3 - 32; Comments: End of Tape 3, Side B.}

Vote: Motion carried unanimously by voice vote.

Motion: REP. MORGAN moved that HB 395 DO PASS AS AMENDED.

Discussion:

REP. FRANKLIN asked what the resulting change in law would be, now that the bill has been amended to have no fiscal impact. REP. BECKER replied that the bill in its current form expands on the order of responsible financial parties and limits the costs that will be paid to psychiatric costs.
(REP. WITT exited the meeting.)

REP. KAUFMANN commented that although the counties are not completely satisfied with the amendment, the letter attached indicates that they will continue to work with the Department on the issue. For this reason, she supports the bill and amendments.

Vote: Motion carried 16-4 by roll call vote with REP. FRANKLIN, REP. HINER, REP. JAYNE, and REP. SESSO voting no. REP. WITT and REP. SINRUD voted by proxy.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 6.4}

EXECUTIVE ACTION ON HB 687

Motion/Vote: REP. MUSGROVE moved to RECONSIDER THE MOTION on HB 687. Motion carried unanimously by voice vote.

Motion: REP. MUSGROVE moved that HB 687 DO PASS.

Motion: REP. MORGAN moved that HB 687 BE AMENDED.

[EXHIBIT](#)(aph64a11)

Discussion:

REP. MCNUTT asked if the amendment addressed the car seizure issue. Neil Peterson, Department of Revenue (DOR), replied that the amendments should address concerns about car seizure. The car may only be seized if more than \$1,000 worth of contraband are found.

(REP. WITT and REP. SINRUD entered the meeting.)

REP. JAYNE asked for further clarification of the language in the amendment. **Mr. Peterson** explained that under current law, a car may be seized for transporting any amount of contraband. The amendment increases this to at least \$1,000 worth of contraband.

REP. FRANKLIN commented that she felt limiting the contraband amount to more than \$1,000 was still too little. **REP. MCNUTT** explained that under current law, a car can be impounded for containing a single carton of contraband cigarettes and he is comfortable with the amendment. **REP. MUSGROVE** agreed with the comments of **REP. MCNUTT**.

Vote: Motion carried unanimously by voice vote.

Motion: **REP. MUSGROVE** moved that HB 687 DO PASS AS AMENDED.

Discussion:

REP. MORGAN asked why there was no fiscal note attached to the bill, when the offense is punishable by jail time. **REP. CALLAHAN** explained that this was because jail costs are addressed at a county level, so there will not be fiscal impact to the State.

Vote: Motion carried 15-5 by roll call vote with **REP. GLASER**, **REP. HAWK**, **REP. SINRUD**, **REP. TAYLOR**, and **REP. WITT** voting no.
{Tape: 4; Side: A; Approx. Time Counter: 6.4 - 17.6}

EXECUTIVE ACTION ON HB 435

Motion: **REP. WITT** moved that HB 435 DO PASS.

Discussion:

REP. BUZZAS reminded the Committee that this was the bill for the Governor's Scholarship Program.
(**REP. RIPLEY** exited the meeting.)

REP. MORGAN said that she would oppose the bill because there is another bill, which encourages parents to pay for their students to attend college. She feels that this is hypocritical.

Vote: Motion carried 12-8 by roll call vote with **REP. GLASER**, **REP. HAWK**, **REP. JACKSON**, **REP. MCNUTT**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, and **REP. TAYLOR** voting no. **REP. RIPLEY** voted by proxy.

REP. BUZZAS advised the members that the Committee would recess until after the House Floor Session.

NOTE: 3:40 p.m. meeting was reconvened.

EXECUTIVE ACTION ON HB 640

Motion/Vote: **REP. SINRUD** moved that HB 640 BE TABLED. Motion carried unanimously by voice vote. **REPS. MUSGROVE, SESSO, JUNEAU, and WITT** voted by proxy.

EXECUTIVE ACTION ON HB 393

Motion/Vote: **REP. RIPLEY** moved that HB 393 DO PASS. Motion carried 15-5 by roll call vote with **REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. JAYNE, and REP. JUNEAU** voting no. **REPS. JUNEAU, WITT, MUSGROVE, and SESSO** voted by proxy.

EXECUTIVE ACTION ON HB 482

Motion: **REP. HINER** moved HB 482 .

Discussion:

CHAIRMAN BUZZAS asked if this bill coordinated with another bill.

REP. MCNUTT said that it coordinates with HB 758, that if HB 482 passes, then the percentage changes in HB 758.

REP. KAUFMANN said the purpose of HB 482 is to reinstate the funding rate back to its original percentage.

Vote: Motion carried unanimously by voice vote. **REPS. JUNEAU, WITT, MUSGROVE, and SESSO** voted by proxy.

NOTE: Committee previously decided that an unamended bill that passes unanimously will be placed on the Consent Calendar.

EXECUTIVE ACTION ON HB 521

Motion: **REP. FRANKLIN** moved that HB 521 DO PASS.

Discussion:

REP. KAUFMANN passed out additional information from the University system and from the sponsor, regarding giving Montana growers a 10% bid preference. Originally, the University system had opposed this bill, but now they have come to understand that it is a voluntary process and they will not incur expenses. Therefore, the sponsor has redone the Fiscal Note.

[EXHIBIT\(aph64a12\)](#)

[EXHIBIT\(aph64a13\)](#)

She presented an amendment that the University system had requested, to make it clear that this is an optional bid process for them. It clarifies that the bid preference only applies to a specific line item, not the entire bid.

[EXHIBIT\(aph64a14\)](#)

Motion: **REP. KAUFMANN** moved that HB 521 BE AMENDED.

Discussion:

REP. JACKSON asked if the sponsor's Fiscal Note showing \$22,650 is the most recent one and why it didn't include the \$50,000 the University system said it would cost them. **REP. KAUFMANN** said that is correct, and the sponsor recognizes that there will be a cost to the Department of Corrections (DOC). She said that since the \$22,650 in the sponsor's Fiscal Note applies to the DOC, he should have also included the \$50,000 for the University system.
{Tape: 5; Side: A; Approx. Time Counter: 0 - 17}

REP. SINRUD asked what the fiscal impact would be to the Department of Public Health and Human Services. **REP. KAUFMANN** said that there would be no fiscal impact to any other state agencies or institutions.

Vote: Motion carried 19-1 by voice vote with **REP. SINRUD** voting no. **REPS. JUNEAU, WITT, MUSGROVE, and SESSO** voted by proxy.

Motion: **REP. KAUFMANN** moved that HB 521 DO PASS AS AMENDED.

Discussion:

REP. KAUFMANN said that a lot of people have written to Committee members asking them to support this bill.

REP. GLASER said that even though he is a farmer, he would not support this bill.

REP. SINRUD said the State's previous attempt at offering bid preferences was a bad policy. Montana producers would be penalized by this bill if they try to do business outside of Montana.

REP. MCNUTT said that bid assistance always fails and agreed with **REP. SINRUD** that reciprocity will hurt these businesses.

REP. KAUFMANN said that the State's previous bid preference system was too broad to be successful. The sponsor did not find any business that felt it would be harmed by this bill. She asked the Committee to support the bill to see if it can work.

Vote: Motion failed 10-10 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. HINER**, **REP. JAYNE**, **REP. JUNEAU**, **REP. KAUFMANN**, **REP. LENHART**, **REP. MUSGROVE**, and **REP. SESSO** voting aye. **REPS. JUNEAU**, **WITT**, **MUSGROVE**, **SESSO**, and **RIPLEY** voted by proxy.

EXECUTIVE ACTION ON HB 667

Motion: **REP. MCNUTT** moved that HB 667 DO PASS.

Motion: **REP. MCNUTT** moved that HB 667 BE AMENDED.
[EXHIBIT](#)(aph64a15)

Discussion:

Jon Moe, Legislative Fiscal Division, explained that the intent of the amendment is to put restrictions on the programs' expenditures. Specifically, it states that no money can be spent until the Office of Budget and Program Planning has certified that \$25 million has been deposited into the account provided for in this bill. If they do not reach the \$25 million level, then the appropriations would be proportionately less.

REP. MORGAN said that this is a good amendment when you consider all of the other programs that are being funded by the I-149 tobacco tax. Of all the programs, she said funding the children that are on CHIPS is the best use of this money.

REP. SINRUD said that this is a bipartisan amendment that assures that the money will be available before the program can be funded.

{Tape: 5; Side: A; Approx. Time Counter: 17 - 32.6; Comments: End of Side A, Tape 5.}

REP. KAUFMANN said the Health and Human Services Subcommittee should have dealt with this issue of a contingency plan if the I-149 funds are not adequate. She said she agreed with **REP. MORGAN** that the CHIP program should have funding priority and she supports the amendment.

REP. MCNUTT said the amendment assures that there will be consistency and dependability in this program.

Vote: Motion carried 19-1 by voice vote with **REP. JAYNE** voting no. **REPS. JUNEAU, WITT, MUSGROVE, and SESSO** voted by proxy.

Motion/Vote: **REP. MCNUTT** moved that HB 667 DO PASS AS AMENDED. Motion carried 18-2 by roll call vote with **REP. WELLS** and **REP. WITT** voting no. **REPS. JUNEAU, WITT, MUSGROVE, RIPLEY, and SESSO** voted by proxy.

EXECUTIVE ACTION ON HB 669

Motion: **REP. KAUFMANN** moved that HB 669 DO PASS.

Discussion:

REP. KAUFMANN explained that HB 669 would establish a pilot program for supervised visits and exchanges for children of domestic violence offenders.

REP. HINER said the intent is to establish a safe place for supervised visits and exchanges, so that the parents who are involved in domestic violence do not have to face each other.

CHAIRMAN BUZZAS said that two handouts are being distributed from the DPHHS in response to questions raised by Committee members during the hearing of HB 669.

EXHIBIT (aph64a16)

EXHIBIT (aph64a17)

REP. MORGAN said that she would be opposing HB 669 because the Committee did not support the existing drop-in centers for people with mental illness.

REP. JAYNE said that the \$450,000 appropriation is for only two visitation centers in Montana, whereas, there is a need across the entire state. Her experience is with a third party being assigned to oversee child visitation, and she believes that systems works.

CHAIRMAN BUZZAS said that often times a program begins as a pilot. If the Committee were to approve the bill with a reduced appropriation, the program would be able to use it as seed money to try and secure additional grants.

Motion/Vote: REP. KAUFMANN moved a CONCEPTUAL MOTION TO REDUCE THE AMOUNT OF FUNDING IN HB 669 TO \$100,000. Motion passes unanimously by voice vote.

Motion: REP. KAUFMANN moved that HB 669 DO PASS AS AMENDED.

Discussion:

REP. JACKSON said that schools have procedures for dealing with these situations and churches have systems in place to help. He said starting a new pilot program would be a mistake.

Substitute Motion/Vote: REP. SINRUD made a substitute motion that HB 669 BE TABLED. Substitute motion carried 14-6 by roll call vote with REP. BUZZAS, REP. HINER, REP. JUNEAU, REP. KAUFMANN, REP. MUSGROVE, and REP. SESSO voting no. REPS. JUNEAU, WITT, MCNUTT, MUSGROVE, and SESSO voted by proxy.

EXECUTIVE ACTION ON HB 336

Motion: REP. KAUFMANN moved to RECONSIDER THE MOTION on HB 336.

Substitute Motion/Vote: REP. SINRUD made a substitute motion that HB 336 BE TABLED. Substitute motion failed 11-9 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting aye. REPS. JUNEAU, WITT, MCNUTT, MUSGROVE, and SESSO voted by proxy.

{Tape: 5; Side: B; Approx. Time Counter: 0 - 15; Comments: Rep. Sesso entered hearing.}

Vote: Motion carried 11-9 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MORGAN, REP. MUSGROVE, and REP. SESSO voting no. REPS. JUNEAU, WITT, MCNUTT, and MUSGROVE voted by proxy.

Motion: REP. KAUFMANN moved that HB 336 DO PASS AS AMENDED.

Discussion:

CHAIRMAN BUZZAS reminded the Committee that HB 336 has been amended previously.

REP. JACKSON said since there is no longer a fiscal note with HB 336, the Office of Public Instruction (OPI) would be able to include these developmentally disabled students as part of the student body and absorb the cost. **REP. KAUFMANN** said that is not her understanding; the appropriation is in the body of the bill. **Jon Moe** said the bill includes a General Fund appropriation of \$143,560 in each of FY06 and FY07.

REP. MORGAN said the sponsor told her that OPI and DPHHS are not opposed to striking the appropriation from the bill.

Motion: **REP. MORGAN moved the CONCEPTUAL AMENDMENT TO STRIKE THE APPROPRIATION IN HB 336 BE ADOPTED.**

Discussion:

REP. JAYNE said deleting the appropriation would affect Section 4 of the bill, because it says that the money will provide payments to school districts, etc.

REP. MORGAN answered the intent of the conceptual amendment is to strike the money, but not the purpose of the bill. It would still allow the DPHHS to make payments to a school district that admits the developmentally disabled student.

Jon Moe said they would need to get legal advice to determine how the appropriation can be removed, while still leaving the language of the bill intact.

REP. JAYNE said the conceptual amendment is too vague and she cannot support it.

CHAIRMAN BUZZAS explained to **REP. JAYNE** that when there is a conceptual amendment, they are instructing staff to write it so that it makes sense for the bill. The intent of this amendment is to make the legislation permissive, rather than required, while removing the appropriation.

REP. MORGAN withdrew her conceptual amendment, with no objection.

{Tape: 5; Side: B; Approx. Time Counter: 15 - 26.7; Comments: Rep. Musgrove entered hearing.}

Bob Runkel, OPI, said the purpose of HB 336 is to allow 18-year-old developmentally disabled students, who have graduated, to remain in school for one more year. Once the student has

graduated, the school district is no longer eligible to receive State Average Number Belonging (ANB) funding for that student. If there is no appropriation in the bill, then he said he didn't know how the school district would be paid to provide services to this student.

Vote: Motion carried 18-2 by roll call vote with REP. HAWK and REP. RIPLEY voting no. REPS. JUNEAU, WITT and MCNUTT voted by proxy.

{Tape: 5; Side: B; Approx. Time Counter: 26.7 - 32.6; Comments: Reps. Juneau and Witt entered hearing. End of Tape 5}

EXECUTIVE ACTION ON HB 707

Motion: REP. SESSO moved that HB 707 DO PASS.

Discussion:

REP. SESSO explained the purpose of the bill was to increase the compensation Fish, Wildlife and Parks (FWP) would pay to agents selling licenses via credit cards. The compensation would help these agents pay for the direct line that they are required to use.

REP. WELLS said the FWP Director said these are new lines that were not included when FWP implemented the new Automated Licensing System. Many of these agents are small businesses.

Vote: Motion carried 17-3 by voice vote with REP. JAYNE, REP. MORGAN, and REP. TAYLOR voting no. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON HB 614

Motion/Vote: REP. SINRUD moved that HB 614 BE TABLED. Motion carried 14-6 by roll call vote with REP. BUZZAS, REP. HINER, REP. MORGAN, REP. MUSGROVE, REP. SESSO, and REP. TAYLOR voting no. REP. MCNUTT voted by proxy.

EXECUTIVE ACTION ON HB 124

Motion: REP. RIPLEY moved that HB 124 DO PASS.

Motion: REP. MUSGROVE moved that HB 124 BE AMENDED.
EXHIBIT (aph64a18)

Discussion:

REP. MUSGROVE explained that the amendment would delay the start up from 2006 to 2008.

CHAIRMAN BUZZAS said she always has been a strong supporter of schools and teachers, but opposes the amendment and the bill because of concern that it will put the State in debt. She said the legislature needs time to address these school funding issues. The schools need some type of teacher health insurance legislation, and a committee is working on it as a part of the total school funding package. She said it would be fiscally irresponsible to move forward with this bill at this time.

REP. RIPLEY said that he agrees with CHAIRMAN BUZZAS, but doesn't think it is necessary to kill HB 124. It may not be the final answer, but it is too early to rule it out.

{Tape: 6; Side: A; Approx. Time Counter: 0 - 9.9; Comments: Rep. McNutt entered hearing}

REP. MUSGROVE said he wants the assurance that if HB 124 is not the bill, then there would be some other bill that would deal with health insurance for teachers.

Vote: Motion failed 15-5 by roll call vote with **REP. HINER**, **REP. JUNEAU**, **REP. MUSGROVE**, **REP. SESSO**, and **REP. SINRUD** voting aye.

Motion: **REP. MUSGROVE** moved that HB 124 BE AMENDED.

[EXHIBIT](#)(aph64a19)

Discussion:

REP. MUSGROVE explained that the amendment would not allow for "opting out." Section 2 of the amendment states that it is an enterprise system and no State debt would be incurred through the process of moving this bill forward.

CHAIRMAN BUZZAS said that testimony during the hearing was that this already is not an enterprise fund, therefore, she was not sure that the amendment would have any affect.

REP. MUSGROVE asked **REP. GLASER** for input on this amendment.

REP. GLASER said he researched this concept of teachers opting out and found that there would be very few who would do so.

Vote: Motion failed 13-7 by roll call vote with REP. JAYNE, REP. JUNEAU, REP. MUSGROVE, REP. RIPLEY, REP. SESSO, REP. SINRUD, and REP. TAYLOR voting aye.

Discussion:

REP. GLASER said in the second half of this biennium there is an expense to the State of \$47 million, in the next biennium an expense of \$110 million and in the biennium after that it would be \$130 million. The Governor has said that he will veto this bill and REP. GLASER said he, too, cannot support this bill because it hangs over everything they are trying to do with education funding.

REP. FRANKLIN said the Board of Investments has said that this bill is structurally unsound and future legislators will have to deal with it. She said there are other vehicles available for accomplishing this teacher health insurance plan.

REP. JACKSON said in the last session larger school districts could not agree on this plan because their health plans were better. He said he is optimistic that the legislature can solve this problem through other means. The \$200 per month being offered to teachers to help pay for their health insurance is being used as a bribe to get their support.

REP. CALLAHAN said that he has always supported schools, but feels that HB 124 is moving ahead of the total school funding package. Therefore, now is not the appropriate time for this bill.

Motion/Vote: REP. CALLAHAN moved that HB 124 BE TABLED. Motion carried 13-7 by roll call vote with REP. HINER, REP. JAYNE, REP. JUNEAU, REP. MUSGROVE, REP. RIPLEY, REP. SESSO, and REP. TAYLOR voting no.

EXECUTIVE ACTION ON HB 535

Motion: REP. RIPLEY moved that HB 535 DO PASS.

Discussion:

REP. RIPLEY said this is an important bill for north central Montana because it will keep small business alive.

REP. JACKSON said that taxes paid by low-producing stripper wells is forcing them to cap the wells. Once the well is capped, it

cannot be reopened. It is of benefit to the economy of Montana to keep the wells in production.

Vote: Motion carried 15-5 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. JAYNE, and REP. KAUFMANN voting no.

EXECUTIVE ACTION ON HB 76

Motion: REP. BUZZAS moved that HB 76 DO PASS.

Discussion:

REP. BUZZAS said this bill would take 1% of the unrestricted revenues to be set aside in a budget stabilization account.

Motion: REP. BUZZAS moved that HB 76 BE AMENDED.
EXHIBIT (aph64a20)

Discussion:

REP. BUZZAS said based upon current revenues, the bill would set aside about \$14 million per year, with a cap on the fund of \$100 million. It would take a two-thirds vote of the legislature to expend these funds. The amendment delays the effective date until July 1, 2007.

{Tape: 6; Side: A; Approx. Time Counter: 9.9 - 32.6; Comments: End of Side A, Tape 6}

Terry Johnson, Legislative Fiscal Division, said the bill also states that if revenues are above the legislature's estimates, then 100% of the excess would go into the budget stabilization account. With the delayed effective date, the Committee has to assume that the estimates are accurate and therefore, no excess would be going into this fund.

REP. MORGAN asked why REP. BUZZAS wanted to delay the effective date. REP. BUZZAS said the purpose of the delay is to give the legislature an extra year to see where the State is financially.

REP. MORGAN said she opposes the amendment because the bill is a good idea and the State should begin saving immediately.

REP. JACKSON asked if there is a requirement that the ending fund balance be a certain amount. **Terry Johnson** said statutory requirement is that the Governor has to reduce General Fund expenditures if the ending fund balance falls below 1% of biennial appropriations, which is approximately \$30 million.

REP. JACKSON asked if there is currently a contingency fund for emergencies. **Terry Johnson** said there is a statutory appropriation that authorizes the Governor to spend up to \$16.5 million from the General Fund when an emergency is declared.

Vote: Motion failed 10-10 by roll call vote with **REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MUSGROVE, and REP. SESSO** voting aye.

Discussion:

REP. BUZZAS said she would still like to see the bill move forward even though the amendment was defeated. She said she thought this legislature was going to the last opportunity for awhile for them to set-up a stabilization account. This bill was created by a bi-partisan group. This type of account would keep the State out of years when revenues are short.

Vote: Motion carried 17-3 by roll call vote with **REP. HAWK, REP. TAYLOR, and REP. WELLS** voting no.

EXECUTIVE ACTION ON HB 757

Motion: **REP. WITT** moved that HB 757 DO PASS.

Motion: **REP. WITT** moved that amendment HB075701.agp BE ADOPTED.

Discussion:

CHAIRMAN BUZZAS reminded the Committee that when they discussed HB 757 in this morning's meeting there was concern that there might be a double appropriation. She said her concern was that in another bill \$1 million was appropriated, and this bill seems to be appropriating another \$1 million.

REP. WITT said that the Legal Department explained that HB 757 would combine the \$1 million appropriation with the possibility of selling revenue bonds to support short line railroad projects.

CHAIRMAN BUZZAS asked if the total amount that could be allocated for these projects would be \$3 million, including the revenue bonds. **Jon Moe** said Section 2 Lines 9-13 of the bill says that the funding is separate from the revenue bond amendment.

REP. WITT said he wants to strike the \$3 million from the bill. The sponsor's intent is to have the \$3 million moved to a

revolving loan fund from which they would then sell revenue bonds. The bonds would be repaid by revenue generated from the freight hauled on these short lines rails.

Motion: REP. WITT moved the CONCEPTUAL AMENDMENT TO STRIKE LINES 12-13 OF PAGE 2 OF THE BILL, AND #3 ON THE AMENDMENT BE ADOPTED.

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. WELLS moved that amendment HB075701.agp BE ADOPTED AS AMENDED. Motion passed unanimously by voice vote.

Motion/Vote: REP. WITT moved that HB 757 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 5:50 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/mm

Additional Exhibits:

EXHIBIT ([aph64aad0.PDF](#))

DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES



BRIAN SCHWEITZER
GOVERNOR

ROBERT E. WYNIA, M.D.
DIRECTOR

STATE OF MONTANA

www.dphhs.mt.gov

March 15, 2005

TO: Rosie Buzzas, Chairwoman
House Appropriations Committee

Members
House Appropriations Committee

RE: HB 395

FROM: Joyce De Cunzo, Administrator *Joyce DeCunzo*
Addictive and Mental Disorders Division

On March 14, 2005, I testified as an informational witness on HB 395, even though I had previously testified as an opponent to this bill. Since my original testimony as an opponent, Yellowstone County Commissioner Bill Kennedy and I had been working together to try to come to agreement on amendments to the bill that would satisfy the concerns of his constituents and our Department. I stated yesterday that I could not support the bill as offered, but that I would be able to support the bill if the amendments (not presented to the committee during testimony) were agreed upon.

After the committee hearing, Commissioner Kennedy and I continued to work on the amendments, but we finally realized we could not come to agreement.

The original bill calls for the state to take over all pre-commitment costs for mental health assessment, treatment and detention, costs currently the responsibility of county governments. The fiscal note developed for the bill was based on a projection by the counties of what they spent in 2004, but they admitted that the costs were incomplete and thus understated. That was the version of the bill that the Department, with the Governor's approval, testified against. We simply cannot assume the unknown costs of this program. Additionally, we believe that once counties have no financial responsibilities to maintain people in their home communities, admissions to the Montana State Hospital will increase. The Hospital already has an average daily population well over its funded capacity so it is critical we do not take actions that will likely increase admissions.

Since we were unable to agree on a common set of amendments, Commissioner Kennedy has asked the sponsor, Representative Arlene Becker, to submit a set of county-

Rosie Buzzas, Chairwoman
Page 2 of 2
March 15, 2005

recommended amendments for consideration at executive action. The bill will continue to mandate transfer of responsibility for pre-commitment costs from the counties to the state, and contain other amendments the counties would like to have. They will likely offer a new fiscal note, showing that counties will transfer county general fund money to the state to offset state general fund needs. This was referred to in testimony yesterday as an "insurance" payment by the counties. It is important to note that the Department is opposed to this version. The amount of county money suggested for transfer to the state, in exchange for us taking the responsibility, is simply not enough. The most likely result of passing this version of the bill is that the Department will have to either request a supplemental or reduce current level services to our mental health consumers in order to offset the unpredictable, but most likely increased, costs. Neither of these solutions is acceptable to us.

Representative Becker will also have a set of amendments suggested by the Department, as an alternative if the counties' preferred version is not passed. This set of amendments does not change the current statute which makes counties responsible for pre-commitment costs, not the state. It does, however, include the other amendments the counties would like to have, to which we are not opposed. These amendments include such things as a clarification that counties are responsible only for psychiatric pre-commitment costs, a listing of the order for billing these costs, a requirement that counties may be billed an amount no greater than the reimbursement amounts set by public assistance programs and language stating that the Department will work cooperatively with county governments in the next two years to study this issue.

I urge you to vote against both the original bill and the county-amended version that will be presented to you for executive action, and to vote for the alternative version developed by the Department. It safeguards the Department and mental health consumers, and also allows for other amendments the counties wish to have.

Commissioner Kennedy and I have worked diligently to bridge our differences on this bill. We will continue to work on these issues in the future, to better define the costs and to develop a system that will serve our consumers well.

I will be available for questions. Thank you for your attention to this important bill.

cc: Representative Arlene Becker
Bill Kennedy
John Chappuis

Amendments to House Bill No. 395
1st Reading Copy

For the House Appropriations Committee

Prepared by Susan Byorth Fox
March 14, 2005 (6:58pm)

1. Title, line 7.

Following: "RESIDENCE" on line 7

Strike: "OR THE STATE"

2. Title, line 8 through line 10.

Following: "COSTS;"

Strike: remainder of line 8 through "53-21-128, AND" on line 10

Insert: "AMENDING SECTION"

3. Page 1, line 14 through page 4, line 12.

Strike: section 1 through section 4 in their entirety

4. Page 4, line 16.

Following: "and"

Insert: "psychiatric precommitment examination, detention,
treatment, and"

5. Page 4, line 20.

Strike: "Subject to subsection (2)(b), the costs of"

Insert: "The county of residence shall also pay all"

6. Page 4, line 22.

Following: line 21

Insert: "psychiatric"

Following: "precommitment"

Insert: "psychiatric"

Following: "custody"

Insert: "psychiatric"

7. Page 4, line 25.

Following: "the"

Insert: "respondent, the parent or guardian of a respondent who
is a minor, or the"

8. Page 4, line 26.

Following: "respondent;"

Insert: "or"

9. Page 4, line 27 and line 28.

Following: "residence of the respondent"

Strike: remainder of line 27 through "committed" on line 28

Insert: "in an amount not to exceed the amount paid for the
service by a public assistance program"

10. Page 5, line 12.

Insert: "NEW SECTION. Section 6. Cost study. The department shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee."

Renumber: subsequent section

- END -

HOUSE OF REPRESENTATIVES

Roll Call APPROPRIATIONS COMMITTEE

DATE 3/23/05 8:00 a.m.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. ROSIE BUZZAS, CHAIR			✓
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR			✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. WALT McNUTT	✓		
REP. JOHN MUSGROVE	✓		
REP. PENNY MORGAN	✓		
REP. RICK RIPLEY	✓		
REP. JOHN SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		

HOUSE OF REPRESENTATIVES

Roll Call APPROPRIATIONS COMMITTEE

DATE 3/23/05 3:40 p.m.

NAME	PRESENT	ABSENT	EXCUSED
REP. ROSIE BUZZAS, CHAIR	✓		
REP. CAROL JUNEAU, VICE CHAIR		✓	✓
REP. JOHN WITT, VICE CHAIR			✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. WALT McNUTT	✓		
REP. JOHN MUSGROVE			✓
REP. PENNY MORGAN	✓		
REP. RICK RIPLEY	✓		
REP. JOHN SESSO			✓
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 695** (first reading copy -- white) **do pass as amended.**

Signed: *Rosalie Buzzas*
Representative *Rosalie (Rosie) Buzzas*, Chair

And, that such amendments read:

1. Page 1, line 10.

Strike: "\$200,000"

Insert: "\$75,000"

2. Page 1, line 11.

Strike: "\$200,000"

Insert: "\$75,000"

- END -

Committee Vote:

Yes 16, No 4.

641407SC.hkh
3/23/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 140** (first reading copy -- white) do pass as amended.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 4, line 13 through line 14.

Strike: "FIDUCIARY" through "PLAN" on line 14

Insert: "duty to advocate the interests of the consumer who is a party to the debt management plan and not promote the interests of any third party that is in conflict with the primary obligation of advocating the interests of the consumer"

- END -

Committee Vote:

Yes 18, No 2.

641408SC.hkh

3/23/05
plm



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 796** (first reading copy -- white) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 11, No 9.

641409SC.hkh
3/23/05
jbr



March 23, 2005

HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 438** (first reading copy -- white) do pass and be placed on the consent calendar.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 20, No 0.

641410SC.hkh
3/23/05
jbr



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on Appropriations recommend that House Bill 440 (first reading copy -- white) do pass as amended.

Signed: Rosie Buzzas
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 2, line 6.

Following: "PURPOSE"

Insert: "-- account"

2. Page 2, line 16.

Insert: "(4) There is an account in the state special revenue fund to the credit of the department for the purposes of this section. The department may accept donations from any private source and place the donations in the account. Money in the account must be expended by the department for implementing the anhydrous ammonia tank lock program."

- END -

Committee Vote:
Yes 15, No 5.

641411SC.hkh



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 99** (first reading copy -- white) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosté) Buzzas, Chair

- END -

Committee Vote:
Yes 16, No 4.

641412SC.hkh
3/23/05
jbr



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on Appropriations recommend that **House Bill 395** (first reading copy -- white) **do pass as amended.**

Signed: Rosalie Buzzas
Representative Rosalie (Rostie) Buzzas, Chair

And, that such amendments read:

1. Title, line 7.

Following: "RESIDENCE" on line 7

Strike: "OR THE STATE"

2. Title, line 8 through line 10.

Following: "COSTS;"

Strike: remainder of line 8 through "53-21-128, AND" on line 10

Insert: "AMENDING SECTION"

3. Page 1, line 14 through page 4, line 12.

Strike: section 1 through section 4 in their entirety

Renumber: subsequent sections

4. Page 4, line 16.

Following: "and"

Insert: "psychiatric precommitment examination, detention,
treatment, and"

5. Page 4, line 20.

Strike: "Subject to subsection (2)(b), the costs of"

Insert: "The county of residence shall also pay all"

6. Page 4, line 22.

Following: line 21

Committee Vote:

Yes 16, No 4.

641414SC.hkh

3/23/05

flm

Insert: "psychiatric"
Following: "precommitment"
Insert: "psychiatric"
Following: "custody"
Insert: "psychiatric"

7. Page 4, line 25.

Following: "the"

Insert: "respondent, the parent or guardian of a respondent who
is a minor, or the"

8. Page 4, line 26.

Following: "respondent;"

Insert: "or"

9. Page 4, line 27 and line 28.

Following: "residence of the respondent"

Strike: remainder of line 27 through "committed" on line 28

Insert: "in an amount not to exceed the amount paid for the
service by a public assistance program"

10. Page 5, line 12.

Insert: "NEW SECTION. Section 2. Cost study. The department
of public health and human services shall work with county
attorneys and county commissioners to ascertain the actual
precommitment costs of involuntary commitments and present that
information and any findings and recommendations to the 2007
legislature through an appropriate interim committee."

Renumber: subsequent section

- END -



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 4

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 687** (first reading copy -- white) do pass as amended.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 3, line 27.

Following: "violation of"

Insert: "the tax and directory requirements of"

2. Page 3, line 30.

Following: "violations of"

Insert: "the tax and directory requirements of"

3. Page 4, line 3.

Following: "with"

Insert: "the tax"

4. Page 4, line 6.

Following: "with"

Insert: "the tax"

5. Page 4, line 11.

Following: "Montana"

Insert: "to a person other than a licensed wholesaler or retailer"

6. Page 8, line 2.

Following: line 1

Committee Vote:

Yes 15, No 5.

641415SC.hkh

3/23/05

glen

Insert: "(j) "Manufacturer's original container" means the original master shipping case or original shipping case used by the tobacco product manufacturer to ship multipack units, such as boxes, cartons, and sleeves, to warehouse distribution points."

Renumber: subsequent subsections

7. Page 9, line 7.

Strike: "and"

Insert: "wholesalers, or"

8. Page 9, line 9.

Strike: "and"

Insert: "wholesalers, or"

9. Page 10, line 10.

Strike: "Every"

Insert: "Except as provided in subsection (3), every"

10. Page 10, line 11.

Following: "other state"

Insert: "or country"

11. Page 10, line 23.

Insert: "(3) A common carrier hauling, transporting, or shipping tobacco products to a licensed wholesaler or retailer in Montana shall submit the reports described in subsection (1) to the department upon request of the department."

12. Page 14, line 28.

Strike: "and"

Insert: "or"

13. Page 14, line 29.

Strike: "and"

Insert: "or"

14. Page 14, line 30.

Strike: "and"

Insert: "or"

15. Page 15, line 2.

Following: "cigarettes"

Strike: "and"

Insert: "or"

16. Page 16, line 25.

Strike: "200"

Insert: "600"

17. Page 16, line 26.

Strike: "10"

Insert: "30"

18. Page 19, line 1.

Following: "contraband"

Insert: ", with a value of \$1,000 or more,"

19. Page 19, line 24.

Following: "both."

Insert: "For a first offense, if a violation of this part involves contraband, the value of which does not exceed \$1,000, the offense is punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not less than 30 days or more than 6 months, or both."

20. Page 20, line 3.

Following: "(3)"

Insert: "(a)"

Strike: "In"

Insert: "Except as provided in subsection (3)(b), in"

21. Page 20, line 9.

Following: line 8

Insert: "(b) A civil penalty may not be assessed to a person for a first violation of subsection (1) if the offense involves contraband with a value of \$1,000 or less."

22. Page 23, line 26.

Insert: "NEW SECTION. Section 34. Enforcement. The attorney general, a designee of the attorney general, or any person who holds a permit under 26 U.S.C. 5713 may bring an action in the appropriate Montana district court to prevent or restrain violations of [section 5] by any person or by a principal of the person."

Renumber: subsequent sections

23. Page 23, line 30.

Following: "6"

Insert: "and 34"

24. Page 24, line 2.

Following: "6"

Insert: "and 34"

- END -



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 435** (first reading copy -- white) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Roste) Buzzas, Chair

- END -

Committee Vote:
Yes 12, No 8.

641416SC.hkh
3/23/05
jk



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 393** (first reading copy -- white) **do pass**.

Signed: Rosalie Buzzas
Representative Rosalie (Rosalie) Buzzas, Chair

- END -

Committee Vote:
Yes 15, No 5.

641855SC.hkh

3/23/05
jbn



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 482** (first reading copy -- white) do pass and be placed on the consent calendar.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 20, No 0.

641856SC.hkh
3/23/05
jbn



HOUSE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 667** (first reading copy -- white) **do pass as amended.**

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosalie) Buzzas, Chair

And, that such amendments read:

1. Title, line 23.

Following: "CREDITS"

Insert: "AND PROVIDING FOR CONTINGENT FUNDING"

2. Page 2, line 4.

Strike: "The"

Insert: "Subject to the conditions in 53-6-1201, the"

3. Page 6, line 6.

Strike: "The"

Insert: "Subject to the conditions in 53-6-1201, the"

4. Page 25, line 24.

Following: "initiatives"

Insert: "-- contingency"

5. Page 26, line 19.

Following: "(4)"

Insert: "(a) The money appropriated for fiscal year 2006 for the program in subsections (3)(d) through (3)(g) may not be expended until the office of budget and program planning has certified that \$25 million has been deposited in the account provided for in this section.

(b) For each succeeding fiscal year, on or before July 1,

Committee Vote:

Yes 18, No 2.

3/24
650829SC.hkh M4P

the budget director shall calculate a balance required to sustain the program for each fiscal year of the next biennium. If the budget director certifies that the reserve balance will be sufficient, then the commissioner may expend the revenue for the program as appropriated. If the budget director determines that the reserve balance of the revenue will not support the level of appropriation, the budget director shall notify the commissioner. Upon receipt of the notification, the commissioner shall adjust the operating budget for the program to reflect the available revenue as determined by the budget director.

(c) "

6. Page 26, line 25.

Insert: " NEW SECTION. Section 19. Contingency on expenditure.

[Sections 1 through 9] may not be construed to require implementation or ongoing operation of the programs in 53-6-1201(3)(d) through (3)(g) without a line item appropriation in the general appropriations bill included for that purpose."

Renumber: subsequent subsections

7. Page 26, line 29.

Strike: "[Section 10] is"

Insert: "[Sections 10 and 19] are"

8. Page 26, line 30.

Strike: "[section 10]"

Insert: "[sections 10 and 19]"

- END -



1736

HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 336** (first reading copy -- white) **do pass as amended.**

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 4, line 22.

Strike: "\$143,560"

2. Page 4, line 23.

Following: "FUND"

Insert: "\$143,560"

Strike: "YEARS"

Insert: "year"

Following: the first "AND"

Insert: "\$143,560 in fiscal year"

- END -

Committee Vote:

Yes 18, No 2.

641857SC.hkh

3/23/05
jbn



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 707** (first reading copy -- white) do pass.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

- END -

Committee Vote:
Yes 17, No 3.

641858SC.hkh
3/24/05
jku



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 535** (first reading copy -- white) **do pass**.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosalie) Buzzas, Chair

- END -

Committee Vote:
Yes 15, No 5.

641859SC.hkh
3/23/05
jbn



HOUSE STANDING COMMITTEE REPORT

March 23, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 76** (first reading copy -- white) do pass.

Signed: *Rosalie Buzzas*
Representative Rosalie (Roste) Buzzas, Chair

- END -

Committee Vote:
Yes 17, No 3.

641900SC.hkh
3/23/05
jbm



HOUSE STANDING COMMITTEE REPORT

March 24, 2005

Page 1 of 7

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 757** (first reading copy -- white) do pass as amended.

Signed: *Rosalie Buzzas*
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Title, line 9.

Following: "ACCOUNT;"

Insert: "AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR FUNDING
THE ACCOUNT;"

2. Page 2, line 1.

Following: "program."

Insert: "The department may request the board of examiners to
issue revenue bonds, as provided in [sections 7 through 21]
for the purpose of providing funds for a loan."

3. Page 2, line 9.

Strike: "(1)"

4. Page 2, lines 12 and 13.

Strike: subsection (2) in its entirety

5. Page 4, line 29.

Insert: "NEW SECTION. Section 7. Definitions. As used in
[sections 7 through 21], the following definitions apply:

(1) "Board" means the board of examiners created under
2-15-1007.

(2) "Bonds" means bonds, notes, or other evidences of

Committee Vote:

Yes 20, No 0.

650718SC.hkh

3/24
mp

indebtedness issued pursuant to [sections 7 through 21] as essential freight rail revenue bonds.

(3) "Cost", as applied to any project, means any cost of any part of the project pursuant to 60-11-120.

(4) "Outstanding bonds" means bonds issued and outstanding at any particular time but does not include bonds owned by the state, bonds that have been refunded, or bonds for the payment of which an irrevocable deposit of cash and United States government securities has been made in an amount sufficient to pay principal, interest, and redemption premium, if any, when due.

(5) "Projects" means the acquisition, construction, reconstruction, maintenance, and repair of rail lines.

(6) "Revenue" means the revenue from the operation of a rail line credited to the department in the state special revenue fund."

Insert: "NEW SECTION. Section 8. Revenue bond debt service account -- deposit of bond proceeds. (1) There is in the debt service fund an essential freight rail revenue bond debt service account. Subject only to the prior pledge and appropriation made by 17-5-507, the state treasurer shall deposit revenue as may be pledged to the payment of particular bonds to the credit of the essential freight rail revenue bond debt service account as required by resolution or indenture.

(2) All proceeds of an issue of bonds must be deposited in a separate account in the state special revenue fund, except that any premiums and accrued interest received may be deposited in a separate account in the debt service fund established for that bond issue by resolution or indenture. No more than the principal and interest on the bonds due in any year may be retained in the essential freight rail revenue bond debt service account for the payment of bonds. The remainder of pledged revenue is available for authorized purposes of the department. Money deposited in the separate accounts in the state special revenue fund until spent for project purposes may be pledged and appropriated for the payment of bonds, which are a first lien and prior charge upon the funds, and the funds may be used for payment of bonds to the extent that revenue deposited in the essential freight rail revenue bond debt service account are not sufficient for those purpose.

(3) Interest and investment earnings on the separate accounts in subsections (1) and (2) must be retained in the separate accounts referred to in subsection (2)."

Insert: "NEW SECTION. Section 9. Pledge of revenue. All or any portion of revenue may be pledged to the payment of the principal, interest, and redemption premium, if any, on particular issues of essential freight rail revenue bonds, and the pledge is and remains at all times a first lien and prior charge upon the pledged revenue credited to the essential freight rail revenue bond debt service account, subject to a first lien and charge in favor of certain essential freight rail revenue bonds as provided in 17-5-507 and subject to the pledge of

particular revenue to secure particular issues of essential freight rail revenue bonds."

Insert: "NEW SECTION. Section 10. Authority to issue revenue bonds. The board may issue and sell essential freight rail revenue bonds to finance the cost of projects, to pay the costs of issuing the bonds, and to provide for reserves, upon recommendation of the department. The state reserves the right to issue additional bonds secured equally and ratably by the pledge and appropriation of the revenue or separately secured by a portion of revenue subject only to the pledge of particular revenue to secure particular bonds."

Insert: "NEW SECTION. Section 11. Collection of revenue -- restriction on additional bonds. The legislature shall provide for the continued collection and deposit of revenue into the state special revenue fund for the credit of the department in amounts sufficient to pay, when due, the annual debt service charges on all outstanding bonds. The board is authorized to include a contractual undertaking for the benefit of bondholders to this effect in the resolution or indenture under which the bonds are issued."

Insert: "NEW SECTION. Section 12. Bond anticipation notes -- issued when -- payment of principal and interest. (1) The board may, pending the issuance of essential freight rail revenue bonds, issue temporary notes in anticipation of the proceeds to be derived from the sale of the bonds, which notes are designated as "bond anticipation notes". The proceeds of the sale of the bond anticipation notes may be used only for the purpose for which the proceeds of the bonds are to be used, including costs of issuance. If, prior to the issuance of the bonds, it becomes necessary or desirable to redeem outstanding notes, additional bond anticipation notes may be issued to redeem the outstanding notes. A renewal of any note may not be issued after the sale of bonds in anticipation of which the original notes were issued.

(2) Bond anticipation notes or other short-term evidences of indebtedness maturing not more than 3 years after the date of issue may be issued from time to time as the proceeds are needed. The notes must be authorized by the board and have terms and provisions as may be provided by resolution of the board. However, each resolution of the board authorizing notes must:

(a) describe the need for the proceeds of the notes to be issued; and

(b) specify the principal amount of the notes or maximum principal amount of the notes that may be outstanding at any one time, the rate or rates of interest or maximum rate of interest or interest rate formula of the notes as determined in the manner specified in the resolution authorizing the notes, and the maturity date or maximum maturity date of the notes.

(3) Subject to the limitations contained in this section and the standards and limitations prescribed in the authorizing resolution, the board in its discretion may provide for the notes

described in subsection (2) to be issued and sold, in whole or in part, from time to time, and may delegate to the state treasurer the power to determine the time or times of sale, the manner of sale, the amounts, the maturities, the rate or rates of interest, and other terms and details of the notes as may be considered appropriate by the board or, if there has been a delegation, the state treasurer. The board may, in its discretion but subject to the limitations contained in this section, provide in the resolution authorizing the issuance of notes for:

(a) the employment of one or more persons or firms to assist the board in the sale of the notes;

(b) the appointment of one or more banks or trust companies, either inside or outside the state, as depository for safekeeping and as agent for the delivery and payment of the notes;

(c) the refunding of the notes, from time to time, without further action by the board, unless and until the board revokes the authority to refund; and

(d) other terms and conditions that the board may consider appropriate."

Insert: "NEW SECTION. Section 13. Form -- principal and interest -- fiscal agent -- bonds authorized. (1) Each series of essential freight rail revenue bonds may be issued by the board at public or private sale, in denominations and form, whether payable to bearer or registered as to principal or both principal and interest, with provisions for the conversion or exchange, bearing interest at a rate or rates or the method of determining the rate or rates, maturing at times, not more than 40 years from the date of issue, subject to redemption at earlier times and prices and upon notice, and payable at the office of a fiscal agency of the state that the board shall determine, subject to the limitations contained in [sections 7 through 21]. Any action taken by the board under [sections 7 through 21] must be approved by at least a majority vote of its members.

(2) In all other respects, the board is authorized to prescribe the form and terms of the bonds and shall do whatever is lawful and necessary for their issuance and payment.

(3) Bonds and any interest coupons appurtenant to the bonds must be signed by the members of the board, and the bonds must be issued under the great seal of the state of Montana. The bonds and coupons may be executed with facsimile signatures and seal in the manner and subject to the limitations prescribed by law. The state treasurer shall keep a record of all bonds issued and sold.

(4) The board may employ a fiscal agent and a bond registrar and transfer agent to assist in the performance of its duties under [sections 7 through 21].

(5) In connection with the issuance and sale of bonds, the board may arrange for lines of credit or letters of credit with any bank, firm, or person for the purpose of providing an additional source of repayment for bonds issued pursuant to [sections 7 through 21]. Amounts drawn on lines of credit may be

evidenced by negotiable or nonnegotiable notes or other evidences of indebtedness, containing the terms and conditions that the board may authorize in the resolution approving the same.

(6) No more than \$150 million of bonds issued under [sections 7 through 21] may be outstanding at any time. Additional bonds, other than refunding bonds, may not be issued until the pledge in favor of the bonds is satisfied and discharged."

Insert: "NEW SECTION. **Section 14. Trust indenture.** In the discretion of the board, essential freight rail revenue bonds issued under [sections 7 through 21] may be secured by a trust indenture by and between the board and a trustee, which may be any trust company or bank having the powers of a trust company inside or outside of the state. Each trust indenture or an executed counterpart of the indenture must be filed in the office of the secretary of state. The filing of a trust indenture or an executed counterpart of the indenture in the office of the county clerk and recorder of the county in which the property covered by the trust indenture is located is constructive notice of its content to all persons from the time of filing, and the recording of the trust indenture or its content is not necessary."

Insert: "NEW SECTION. **Section 15. Provisions for protecting bondholders.** The resolution of the board providing for the issuance of essential freight rail revenue bonds or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable, proper, and not in violation of law, including covenants setting forth the duties of the state, the board, and the department in relation to the projects financed with the proceeds of the bonds and the custody, safeguarding, and application of all money. The trust indenture may set forth the rights and remedies of the bondholders customary in trust indentures, deeds of trusts, and mortgages securing bonds or debentures of corporations. The enumeration of particular powers granted by this section may not impair any general grant of power contained in [sections 7 through 21]."

Insert: "NEW SECTION. **Section 16. Personal liability -- suit to compel performance.** (1) The members of the board and officers and employees of the department are not personally liable or accountable by reason of the issuance of or on any essential freight rail revenue bond issued by the board under [sections 7 through 21].

(2) Any holder of bonds issued under [sections 7 through 21] or any person or officer who is a party in interest, subject to any applicable agreements or trust indentures, may sue to enforce and compel the performance of the bond provisions as set out in [sections 7 through 21]."

Insert: "NEW SECTION. **Section 17. Negotiability of bonds.** Essential freight rail revenue bonds issued under [sections 7 through 21] are negotiable instruments under the Uniform

Commercial Code, subject only to the provisions for registration of bonds."

Insert: "NEW SECTION. Section 18. Signatures of board members. If any member of the board whose signature appears on essential freight rail revenue bonds or coupons issued under [sections 7 through 21] ceases to be a member before the delivery of the bonds, the member's signature is nevertheless valid and sufficient for all purposes as if the member had remained in office until delivery."

Insert: "NEW SECTION. Section 19. Refunding obligations. (1) The board may provide for the issuance of refunding obligations for refunding any obligations then outstanding that have been issued under [sections 7 through 21], including the payment of any redemption premium and any interest accrued or to accrue to the date of redemption of the obligations. The issuance of refunding obligations, the maturities and other details, the rights of the holders, and the rights, duties, and obligations of the state are governed by the appropriate provisions of [sections 7 through 21] that relate to the issuance of the obligations.

(2) Refunding obligations issued as provided in subsection (1) may be sold or exchanged for outstanding obligations issued under [sections 7 through 21]. The proceeds may be applied to the purchase, redemption, or payment of the outstanding obligations. Pending the application of the proceeds of refunding obligations, with other available funds, to the payment of principal, accrued interest, and any redemption premium on the obligations being refunded and, if permitted in the resolution authorizing the issuance of the refunding obligations or in the trust agreement securing them, to the payment of interest on refunding obligations and expenses in connection with refunding, the proceeds may be invested as provided in Title 17, chapter 6."

Insert: "NEW SECTION. Section 20. Pledge of state. In accordance with the constitutions of the United States and the state of Montana, the state pledges that it will not in any way impair the obligations of any agreement between the state and the holders of notes and essential freight rail revenue bonds issued by the state under [sections 7 through 21]."

Insert: "NEW SECTION. Section 21. Tax exemption of bonds -- legal investment. (1) All essential freight rail revenue bonds issued under [sections 7 through 21], their transfer, and their income, including any profits made on their sale, are exempt from taxation by the state or any political subdivision or other instrumentality of the state, except for estate taxes.

(2) Bonds issued under [sections 7 through 21] are legal investments for any person or board charged with investment of public funds and are acceptable as security for any deposit of public money."

Renumber: subsequent sections

6. Page 4, line 30.

Following: "4"

Insert: "and 7 through 21"

7. Page 5, line 2.

Following: "4"

Insert: "and 7 through 21"

- END -

COMMITTEE FILE COPY

TABLED BILL

The **HOUSE APPROPRIATIONS COMMITTEE** TABLED **HB 375**, by motion, on **Wednesday, March 23, 2005**.

M McLean
(For the Committee)

M. Perez
(Chief Clerk of the House)

 / 3/23
(Time) (Date)

March 23, 2005

Marcy McLean, Secretary

Phone: 444-1511

COMMITTEE FILE COPY

TABLED BILL

HB669

The **HOUSE APPROPRIATIONS COMMITTEE** TABLED HB 124, HB 614, HB 640, by motion, on
Wednesday, March 23, 2005.

M McLean
(For the Committee)

John
(Chief Clerk of the House)

6:20 pm 3/23
(Time) (Date)

March 23, 2005

Marcy McLean, Secretary

Phone: 444-1511

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 695 MOTION NO. 1

MOTION: Jayne- do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 423 MOTION NO. 2
 MOTION: Taylor - motion to reconsider

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO. HB 417 MOTION NO. 3

MOTION: Sinrud - motion to table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	✓

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 796 MOTION NO. 4
 MOTION: Callahan - do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO. HB 99 MOTION NO. 5

MOTION: Franklin- do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		✓
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB336 MOTION NO. 6

MOTION: Morgan - do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	✓
REP. RALPH LENHART		✓	
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		✓
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 740 MOTION NO. 7
 MOTION: Ripley - do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		✓
REP. JANNA TAYLOR	✓		
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO. HB 395 MOTION NO. 8
 MOTION: Morgan- Do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	
REP. JOHN SINRUD	✓		✓
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO HB 687

MOTION NO. 9

MOTION: Musgrove - do pass as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/00 BILL NO. HB 435 MOTION NO. 10
 MOTION: With - do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	✓
REP. JON SESSO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO. HB 393 MOTION NO. 11

MOTION: _____

Ripley

Do Pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	✓
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		✓
REP. RICK RIPLEY	✓		
REP. JON SÈSSO	✓		✓
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO H.B. 521 MOTION NO. 12

MOTION:

Kaufmann DO PASS as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		✓
REP. JOHN WITT, VICE CHAIR		✓	✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		✓
REP. RICK RIPLEY		✓	✓
REP. JON SESSO	✓		✓
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO HB 667 MOTION NO. 13

MOTION:

DO PASS as amended

McNutt amendment HB 667-03 asb

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		✓
REP. JOHN WITT, VICE CHAIR		✓	✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		✓
REP. RICK RIPLEY	✓		✓
REP. JON SESSO	✓		✓
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO HB 669 MOTION NO. 14

MOTION:

~~Kaufmann DO PASS as amended~~

Sinrud To Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	✓
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		✓
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	✓
REP. RICK RIPLEY	✓		
REP. JON SÈSSO		✓	✓
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO HB 336 MOTION NO. 15

MOTION:

Sinrud substitute

TO TABLE

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	✓
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT	✓		✓
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE		✓	✓
REP. RICK RIPLEY	✓		
REP. JON SESSO		✓	✓
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05

BILL NO HB 336 MOTION NO. 16

MOTION:

Kaufmann

DO PASS as amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		✓
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓	✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		✓
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO 614 MOTION NO. 17
 MOTION: _____

Sinrud To Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		✓
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY	✓		
REP. JON SÈSSO		✓	
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR		✓	
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO. HB 124 MOTION NO. 18

MOTION:

Musgrove HB 012403 . agp . BE ADOPTED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESCO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR		✓	
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 124 MOTION NO. 19
 MOTION: _____

Musgrove HB 012411 ace

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART		✓	
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR		✓	

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO 124 MOTION NO. 20
 MOTION: _____

Callahan

To Table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER		✓	
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE		✓	
REP. RICK RIPLEY		✓	
REP. JON SÈSSO		✓	
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR		✓	
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 535 MOTION NO. 21

MOTION: Ripley DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN		✓	
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN		✓	
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR		✓	

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s:/AppropRollCallVote2005

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO 76 MOTION NO. 22
MOTION: _____

Buzzas amendment HB 007601. aag

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR		✓	
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER		✓	
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON		✓	
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT		✓	
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY		✓	
REP. JON SESCO	✓		
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR		✓	
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

HOUSE OF REPRESENTATIVES

Roll Call Vote

APPROPRIATIONS COMMITTEE

DATE 3/23/05 BILL NO HB 76 MOTION NO. 23
MOTION: _____

Buzzas DO PASS

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR	✓		
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK		✓	
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN	✓		
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR		✓	
REP. JACK WELLS		✓	
REP. ROSIE BUZZAS, CHAIR	✓		

Buggas

COMMITTEE PROXY

DATE: 3-23-05

I request to be excused from the Appropriations Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Carol Juncos

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

Failed

HB 407 - TRAK		X
HB 68703, APG	Voice	
HB 140	K	

Rep./Sen. Rep. Rosie Buggas
(Signature)

Guneau

COMMITTEE PROXY

DATE: 3/23/05

I request to be excused from the Appropriations

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. BUZZAS ~~CAK~~ LAMAR

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO	SENATE BILL/AMENDMENT	AYE	NO
HB 640 - Table	Voice				
HB 393		X			
HB 482 - Voice	X				
HB 521-25. adb	voice				
HB 521 as ammend	X				
HB 66703. asb	voice				
HB 667 as ammend	X				
HB 669 table		X			
HB 336 substitute table	NO. Consider	X			
HB 336 reconsider	X				
HB 336	X				

Rep./Sen. Carl Guneau
(Signature)

Kaufmann

COMMITTEE PROXY

DATE: 3/23/05 ?

I request to be excused from the _____

Committee because of other commitments. I desire to leave my proxy vote with:

Carole Jureau

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB366		✓

SENATE BILL/AMENDMENT AYE NO

Rep./Sen.

Charles Kaufmann
(Signature)

McNutt

COMMITTEE PROXY

DATE: 3-23-05

I request to be excused from the House Appropriations Comm.

Committee because of other commitments. I desire to leave my proxy vote with:

Rep John Witt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 669 NOTION TOTAL	X	
HB 669 do PASS		X
HB 336 do PASS	X	
HB 707 do PASS	X	
HB 614 table	X	
HB 336 table	X	
HB 336 reconsider		X

SENATE BILL/AMENDMENT AYE NO

Rep./Sen. Steven J McNutt
(Signature)

Musgrove

COMMITTEE PROXY

DATE: 3-23-05

I request to be excused from the House Appropriations Comm.

Committee because of other commitments. I desire to leave my proxy vote with:

Carol Juneau Callahan / Hixen

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

P.M.

HB 640 - Table	voice	
HA 393	X	
HB 482 - voice	X	
HB 521 - 25. add	voice	
HB 521 as amend	X	
HB 66703. asb	voice	
HB 66765 amend	X	
HB 669 table		X
HB 336 substitute table reconsider		X
HB 336 reconsider	X	
HB 669 conceptual	X	

Rep./Sen. John L. Musgrove
(Signature)

Ripley

COMMITTEE PROXY

DATE ²³ 3-8-05

I request to be excused from the House Appropriations
Committee meeting this date because of other commitments. I desire to leave my proxy vote
with Rep. Glaser

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/ AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

a.m.	HB 435		X
	HB 521		X
p.m.	HB 667 ^{amendment 03}	X	
	HB 667	X	

Rep. Rich Ripley
(Signature)

Sesso

COMMITTEE PROXY

DATE: 3-23-05

I request to be excused from the House Appropriations Comm.

Committee because of other commitments. I desire to leave my proxy vote with:

Vice Chair Ernest J. Jurek Callahan/Hinson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HA 640-Table	Voice	
HB 383	X	
HA 482-Voice	X	
HB 521-25. abd	Voice X	
HB 521 as ammend	X	
HB 66703. asb	Voice X	
HB 667 as ammend	X	
HB 669 table		X
HB 336 ^{substitute} table reconsider		X

SENATE BILL/AMENDMENT AYE NO

Rep./Sen.

(Signature)

JON C. SESSO

Sinned

COMMITTEE PROXY

DATE: 3/23/05

I request to be excused from the Appropriations

Committee because of other commitments. I desire to leave my proxy vote with:

Bill Blaser

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

HB 757		
HB 99	X	
HB 334	X	
HB 740	X	
HB 395 ⁶¹ amend	X	
HB 395	X	
HB 687. ^{Amend} 2 app	X	
HB 687.		X
HB 687.		X

Rep./Sen.

(Signature)

Witt

COMMITTEE PROXY

DATE: 3-23-05

I request to be excused from the House Appropriations Comm.

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Rick Ripley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

afternoon

HOUSE BILL/AMENDMENT AYE NO

SENATE BILL/AMENDMENT AYE NO

a.m. {

HB 695	X	
HB 14003.abc		
HB 140	X	
HB 99	X	
HB 395	X	
HB		

HB 640 table VV	X	
HB 393	X	
HB 482 VV	X	
OS 2125.abd VV	X	
HB 521		X
HB 667		X
066703.asb VV	X	
HB 669 table	X	
HB 336 table	X	
HB 336 reconsider		X
HB 336	X	

Rep./Sen.

(Signature)

Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE

Date 3-23-05

Bill No. HB-791 Sponsor(s) Rep C. Juneau

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Eric Seaver	MEA-MT	X		
Jack Aggs	mq ec	✓		
Shawn White Wolf	self	X		
Linda Grogan	MT Q5 Lobby	✓		
DIANE SANDS	MT. AAUW	✓		
Sheila Stearns	MT Union System	✓		
David Tercay	Educator	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN MIKE WHEAT**, on April 4, 2005 at 9:05 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Sen. Brent R. Cromley (D)
Sen. Aubyn Curtiss (R)
Sen. Jon Ellingson (D)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Branch
Mari Prewett, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 395, HB 99, HB 264, HB 742,
3/31/2005
Executive Action: HB 99, HB 264, HB 395, HB 742

HEARING ON HB 395**Opening Statement by Sponsor:**

REP. ARLENE BECKER (D), HD 52, opened the hearing on **HB 395**, Revise responsibility for cost of examination and detention of mental disorder.

REP. BECKER stated that this bill is simple in content. It seeks to clarify who is responsible for the cost of pre-commitment for a respondent in a mental health commitment procedure. She asserted that current law maintains that the county is the payer of last resort. She referred to specific portions of the bill and explained them to the Committee.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.5}

Proponents' Testimony:

Bill Kennedy, Yellowstone County Commissioner, President, Montana Association of Counties, attested that one of their problems is that they have gone from a three-day evaluation to a nine-day evaluation. He explained that they are looking at a figure of approximately \$250,000 a year on pre-commitment costs. He spoke about different sections of the bill.

Carl Seilstad, Fergus County Commissioner, asked for the Committee's support of HB 395.

Joyce DeCunzo, Administrator, Addictive & Mental Disorders Division, Department of Public Health & Human Services (DPHHS), stated that they have worked with the commissioners of other counties to draft a bill that would address all of the necessary issues, such as the cost of pre-commitment.

Gordon Morris, Director, Montana Association of Counties, stated that the bill has been covered well by earlier proponents. He asked for the Committee's favorable consideration on HB 395.

Don Jones, Montana Advocacy Program, asserted that his organization believes that this is a good bill, as previously amended. He provided written testimony to the Committee on behalf of Anita Roessmann, Staff Attorney.

EXHIBIT(jus71a01)

Dennis Paxinos, Yellowstone County Attorney, asserted that this is a state issue not a county issue. He provided a few examples of what happens when proper care is not available or compensated

for; individuals are placed in overcrowded areas. He commented that it shouldn't matter where an individual lives; proper care should be available everywhere. He urged the Committee's support of this bill.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 1; Side: A; Approx. Time Counter: 4.5 - 13}

Questions from Committee Members and Responses:

SEN. McGEE asked Commissioner Kennedy about his statement that they see many of the same people.

Commissioner Kennedy provided an explanation of the system. He discussed the process of the evaluation and what occurs following this. He spoke about the individuals that are involved. He stated that this system of assessing individuals becomes a revolving door; they do not get the help they need and, therefore, come back through the system repeatedly.

SEN. CROMLEY asked Dennis Paxinos about the language on Page 4, Section 53-21-132. He hoped Mr. Paxinos could differentiate paragraph 1 and paragraph 2.

Mr. Paxinos stated that they are responsible for placing the individuals in the least restrictive environment. He attested that the psychiatric pre-commitment evaluation is when the doctor assesses them in the psychiatric clinic. This does not include care that may take place in the state hospital.

SEN. CROMLEY inquired if all of the expenses incurred in the first paragraph remain with the county.

Mr. Paxinos stated that was correct. He added that the psychiatric precommitment evaluation is approximately 15% of the bill.

SEN. CROMLEY clarified that Subsection 1 of the statute states that psychiatric precommitment evaluation detention treatment belongs to the county, and will remain so.

Mr. Paxinos attested that is correct.

SEN. O'NEIL inquired into the costs that are associated with the evaluation and treatment. He wondered if the individuals

responsible for those would also be responsible for the treatment and evaluation costs.

REP. BECKER asserted that is correct. They would be billed in the order they are listed in the bill.

{Tape: 1; Side: A; Approx. Time Counter: 13 - 22.3}

Closing by Sponsor:

REP. BECKER claimed that this was a very contentious issue earlier in the session. She stated that the costs are eating into the county budgets. This bill is a start to rectifying this problem.

An additional document was provided to the Committee in regard to HB 395.

EXHIBIT(jus71a02)

HEARING ON HB 99

Opening Statement by Sponsor:

REP. MICHAEL LANGE (R), HD 55, opened the hearing on **HB 99**, Penalty for driving when license suspended or revoked for DUI or test refusal.

REP. LANGE directed the Committee to the fiscal note.

Proponents' Testimony:

Dennis Paxinos, Yellowstone County Attorney, Montana County Attorneys Association, referred to three House Bills that **REP. LANGE** is sponsoring for them this session. He spoke about HB 97, HB 98, and HB 99. He referred to the problems of alcoholics and talked about the fact that the disease takes over their judgment and logic.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.3}

Pam Bucy, Assistant Attorney General, stated, "This simply puts teeth into Montana's refusal laws". She commented that this is an important tool for dealing with multiple DUI offenses.

Don Hargrove, Montana Addiction Services Providers (MASP), asserted that this addresses the willful intent to break the law. These people know they are doing something that is wrong. He

referred to a book called, "Inside The Criminal Mind". He discussed how this book pertains to the bill at hand.

Kris Minard, concerned citizen, reiterated that Montana has a problem with drunk drivers. She also spoke about a recent trip she took to Washington, D.C. She stated that she believes, by increasing the penalty, less people will disregard the law.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 1; Side: B; Approx. Time Counter: 3.3 - 9}

Questions from Committee Members and Responses:

SEN. MANGAN asked Mr. Paxinos how this bill will assist in individuals taking the breath test.

Mr. Paxinos stated that they approach the defendant by stating that presently they are breaking the suspension of the license by driving. If they agree to plead guilty, certain actions will or will not be taken. However, if they refuse, further penalties can be applied.

SEN. MANGAN wished to clarify that it is an incentive for plea bargaining, but not an incentive to do the tests they are referring to.

Mr. Paxinos asserted that he believes it may give the individual an incentive to take the breath test if they see that it will benefit them in the long run.

SEN. SHOCKLEY stated that the conviction rate in the Ravalli/Missoula county is approximately 90%. He wondered what kind of figure there is in Yellowstone County.

Mr. Paxinos asked if he was referring to individuals taking the breath test.

SEN. SHOCKLEY clarified that he was referring to individuals being charged.

Mr. Paxinos attested that he does not have the same data that SEN. SHOCKLEY probably has. He is unable to determine that at this time.

SEN. LASLOVICH inquired into the leverage Mr. Paxinos was referring to in regard to an individual refusing to take a breathalyzer test.

Mr. Paxinos explained what HB 98, which is a similar bill, would do for such an individual.

SEN. LASLOVICH inquired into the fiscal note. He wondered if there is a difference if someone is driving on a suspended license drunk, or sober.

Ms. Bucy asserted that the data they would have would be reliant on who was stopped and the suspension of their license. There may also be some data on whether or not alcohol was involved.

SEN. LASLOVICH asked REP. LANGE about Lines 28 and 29. He wondered why they were making it a mandatory minimum of 15 days.

REP. LANGE explained that they drafted this bill as best they could so as not to have a devastating fiscal impact.

SEN. LASLOVICH commented that when this bill was introduced, the judge had some discretionary power on imprisonment; however, now there is a 15-day minimum standard.

REP. LANGE attested that the funds come from State Special Revenue. However, in the revised bill, they do not come from this area. Initially, it would have been taken out of the cap. Whereas now it is not.

SEN. LASLOVICH asked if that is in the bill.

REP. LANGE declared that it is an explanation of the bill.

SEN. LASLOVICH asked REP. LANGE if he is concerned about the impact this would have on local governments.

REP. LANGE explained that he spoke to several local governments about this. He stated that the cost of arresting a repeat offender and putting them through the system, not to mention the potential harm they could do, is much more expensive than 15 days in jail.

SEN. MANGAN asked if it was correct that individuals driving on a suspended license sober have other requirements that need to be taken care of in order to drive legally.

Ms. Bucy agreed that was correct.

SEN. McGEE provided an example to Mr. Paxinos and asked him if an individual could have their license suspended by refusing to blow, even if they had never drank.

Mr. Paxinos stated that based on that, an individual could in fact have their license suspended.

SEN. McGEE stated that if that happened, he would have his license revoked, end up in jail, and owe a fine simply because he disagrees with the Montana Supreme Court. He asked for clarification on that statement. He wondered if individuals are told to say nothing because they are innocent, or because they are guilty and are trying to avoid the law.

Mr. Paxinos stated that many defense attorneys are not out for the truth. Instead they work to force the State to prove it without a reasonable doubt. They want to see that there is no evidence that can go to a jury.

SEN. McGEE stated that he is concerned about putting law into statute that helps out the prosecution, but also puts the innocent in more hot water. Certain individuals that are following the laws may be punished, when they are actually not at fault. He doesn't like the presumption that someone is drunk, unless they take the breath test and prove that they are not.

Mr. Paxinos spoke about fundamentals of the Constitution. He commented that a driving license is a privilege, not a right. They are mandating what they feel is critical to penalize repeat offenders, and protect those people following the law.

SEN. McGEE inquired if present law states that an individual could have between two days and six months in jail.

Mr. Paxinos stated that is correct.

SEN. SHOCKLEY attested that he agrees this bill is better than HB 98. He asked Mr. Paxinos if it is true that an individual is not able to contact an attorney before making the decision to blow.

Mr. Paxinos asserted that is correct because they are at the administrative portion rather than the criminal penalty.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 13.5}

SEN. PERRY provided a general understanding of this whole process. He asked Mr. Paxinos if he was correct in his generalization.

Mr. Paxinos explained the process that a prosecuting attorney goes through in this sort of a situation.

SEN. PERRY inquired, if the prosecution decides to move forward with the case, if their job is to prove the defendant guilty.

Mr. Paxinos asserted that is correct.

SEN. PERRY asked, "If a person who is innocent is not guilty until proven that, could I make a generalization that prosecuting attorneys are not out for the truth?"

Mr. Paxinos wished to convey that as a county attorney, they are always out for the truth.

Closing by Sponsor:

REP. LANGE asked the Committee to forget about HB 98 which has been tabled. He asked them to focus on this bill, which will have a different effect than HB 98. This law states that Montana will not put up with individuals driving when their license has been suspended. The focus of this bill is to take habitual repeat offenders off the road.

HEARING ON HB 264

{Tape: 2; Side: A; Approx. Time Counter: 13.5 - 20.6}

Opening Statement by Sponsor:

REP. JEANNE WINDHAM (D), HD 12, opened the hearing on **HB 264**, Redirect restitution payments to office of victim services.

REP. WINDHAM brings this bill forward at the request of the Department of Justice. She stated that it is a relatively simple bill. She provided background information on the Crime Victim Program. Unfortunately, this program is running out of money earlier and earlier every year. She reiterated that passage of this bill would not put any more burden on taxpayers. It would help the program to reduce the suffering of innocent victims of crimes.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 3.9}

Proponents' Testimony:

Pam Bucy, Assistant Attorney General, explained the Crime Victim Program to the Committee. She provided a document to the Committee which would supplement her testimony.

EXHIBIT(jus71a03)

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 2; Side: B; Approx. Time Counter: 3.9 - 6.6}

Questions from Committee Members and Responses:

SEN. CROMLEY asked Ms. Bucy if she agrees with the fiscal note.

Ms. Bucy stated that she does agree with the figure in the fiscal note.

SEN. CROMLEY inquired if this was at the request of the Department of Justice.

Ms. Bucy replied that it is.

CHAIRMAN WHEAT asked if he was correct in assuming that the money requested on the fiscal note is to be deposited into the State Special Revenue from the general fund.

Ms. Bucy responded that it is asking that the money that the restitution officer collect be deposited into the State Special Revenue as opposed to being deposited into the general fund.

CHAIRMAN WHEAT observed that the money inserted into the general fund in 2004 was \$160,000. He asked Ms. Bucy for confirmation of that.

Ms. Bucy articulated that is correct.

CHAIRMAN WHEAT inquired if she is projecting that they will collect \$200,000 in the next biennium.

Ms. Bucy claimed that is correct.

CHAIRMAN WHEAT wondered if it is set up so that if the amount goes over \$200,000 it would dump back into the general fund.

Ms. Bucy stated that the program fund will accrue that money.

CHAIRMAN WHEAT asked about this bill in regard to the possible passage of a bill that deals with punitive damages.

Ms. Bucy stated that depending on what happens with that bill, they may re-figure their appropriations.

SEN. LASLOVICH asked about assumption number four on the fiscal note.

Ms. Bucy asserted that their appropriation is bigger than the amount they receive in restitution.

SEN. CURTISS referred to Section 5 that deals with the county restitution fund. She wondered if this money is different from the money going to the general fund.

Ms. Bucy claimed that these two figures are completely different. The general fund does not affect the amount of money that the county receives for restitution.

{Tape: 2; Side: B; Approx. Time Counter: 6.6 - 13.2}

Closing by Sponsor:

REP. WINDHAM stated that there is simply not enough dollars to provide adequate services that are critically important. She urged a do concur.

HEARING ON HB 742

Opening Statement by Sponsor:

REP. ROSALIE (ROSIE) BUZZAS (D), HD 93, opened the hearing on **HB 742**, Create registry for declarations concerning life-sustaining treatment.

REP. BUZZAS stated that this bill would provide a web-site for a statewide repository which would help make healthcare issues known. She explained that this would reduce stress on family members in times of crisis and would assist doctors when a patient is unable to communicate. She referred to the fiscal note and discussed how the funding would be appropriated.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.3}

Proponents' Testimony:

Lilly Tuholske, Executive Director, Life's End Institute Missoula Demonstration Project, asserted that the mission of her organization is to improve the quality of life for those individuals that are dying. She expressed the need for advance care planning. She spoke about a personal experience and reiterated why this bill is so important.

Susan Hancock, Project Director, Choices Bank Program, Missoula, MT, provided two documents. The first document relayed her written testimony. The other document dealt with a letter from an individual who utilized their program and how much she appreciated their help.

[EXHIBIT\(jus71a04\)](#)

[EXHIBIT\(jus71a05\)](#)

Pam Bucy, Assistant Attorney General, attested that this is an important bill, especially in regard to the case concerning Terry Schiavo. She spoke about possible amendments to the bill. She stated that this needs rulemaking authority. She commented that some language should be added to ensure confidentiality.

Tom Ebzery, Attorney, St. Vincent Healthcare, Billings, MT, directed the Committee to Page 2, Lines 7-12. He explained this language and why it is important to leave it as is.

{Tape: 3; Side: A; Approx. Time Counter: 2.3 - 14.4}

Nanette Smith, American Cancer Society, indicated that the American Cancer Society fully supports this bill. This issue deals with the quality of life an individual has in the end. They urged the Committee's support.

Don Jones, Montana Advocacy Program, stated that they strongly support and accept end-of-life directives. This ensures a quality of life. He provided a document which outlines a personal story and how advance directives are beneficial.

[EXHIBIT\(jus71a06\)](#)

Chuck Butler, representing himself, stands in favor of HB 742. His interest in this bill goes back 10 years to the death of his mother. He reiterated that his sisters, father, and he had differences of opinions on what care should be provided to her. His mother did not have a living will, but he believes she wanted to die with dignity.

{Tape: 3; Side: A; Approx. Time Counter: 14.4 - 19.9}

John Shontz, Lee Enterprises, provided a series of amendments to HB 742. He explained these to the Committee.

EXHIBIT(jus71a07)

Pat Melby, Montana Medical Association, asserted that they are strongly in support of HB 742. However, they feel that the amendments that have been discussed would cobble up the bill rather than help it. He explained why the bill would be better off as is.

Jan Jahner, Emergency Room Nurse, stated that she works in advanced-care planning. She explained her history working in this area and the influx of individuals seeking information on advanced-care directives in light of current events.

Robert Speirer, Volunteer Advocate, AARP Montana, asserted that one needs to treat dying patients with dignity. He provided the Committee with written testimony.

EXHIBIT(jus71a08)

{Tape: 3; Side: B; Approx. Time Counter: 0 - 4.5}

Casey Blumenthal, Montana Hospital Association (MHA), spoke about the Choices Bank in Missoula. She also expressed concern in regard to the amendments proposed by Mr. Shontz.

Eric Stern, Office of the Governor, stated that they support HB 742. It is an innovative and excellent idea. It is a fairly simple step to help families of dying patients to adhere to their wishes.

Opponents' Testimony: None.

Informational Testimony: None.

{Tape: 3; Side: B; Approx. Time Counter: 4.5 - 7.9}

Questions from Committee Members and Responses:

SEN. CURTISS inquired into the definition of a qualified patient.

Ms. Bucy asserted that she doesn't believe there is a definition; any individual interested in preparing an advanced directive is able to do so.

SEN. CURTISS stated that she believed there is a definition somewhere.

Ms. Bucy deferred the question to Mr. Ebzery.

Mr. Ebzery believed that a patient would be qualified if the Attorney General sent the information that stated that it was in order. He directed her to Section 1 and explained it.

SEN. CURTISS asked about the language on Page 2 that refers to a healthcare provider and their adherence to the directive.

Ms. Bucy attested that they did not want to allow for liability to a healthcare facility.

SEN. CROMLEY asked Ms. Hancock about the Choices Bank Program.

Ms. Hancock discussed the history of the program and explained how their operation works.

SEN. CROMLEY wondered if the Choices Bank Program would cease to operate with the possible passage of this bill.

Ms. Hancock attested that there is no guarantee that the Attorney General's office would or would not work with them.

{Tape: 3; Side: B; Approx. Time Counter: 7.9 - 12.8}

SEN. ELLINGSON asked REP. BUZZAS about the reference to the oral revocation of a living will.

REP. BUZZAS stated that it is in current law. She explained how this could be utilized by a patient. She stated that she wasn't sure where it was specifically in the law.

Mr. Melby claimed that it is cited in the bill. It is located in 50-9-103 regarding the validity of declarations.

SEN. ELLINGSON asked Mr. Melby if he thinks this is a good idea.

Mr. Melby stated, "I absolutely think it's a good idea."

SEN. MANGAN stated that it looks like the issue regarding rule-making is already in the bill.

Ms. Bucy asserted that he is right.

SEN. MANGAN inquired into the figure of \$100,000. He wondered how that would be applied.

Ms. Bucy attested that they will most likely use the model provided by the Choices Bank Program.

{Tape: 3; Side: B; Approx. Time Counter: 12.8 - 19.1}

SEN. MANGAN wondered if the figure of \$100,000 was the amount that was figured by the Department of Justice when investigating this issue.

Ms. Bucy attested that the figure was appropriated after they met with the Choices Bank Program.

SEN. MANGAN asked if this would be a competitive process.

Ms. Bucy conveyed that to her understanding it would be a competitive process.

SEN. MANGAN asked Ms. Bucy if they could incorporate some of Mr. Shontz's concerns into the rule-making authority portion of the bill.

Ms. Bucy stated that they could do that.

SEN. MOSS wondered if these databases will be linked in some way to ensure their availability.

REP. BUZZAS reiterated that the system would be available anywhere in the nation.

SEN. PERRY desired to know if a determination has been made to assess if an individual is competent to make such decisions on a living will.

Ms. Bucy attested that it is up to a court to decide if a person is competent. This has not been an issue brought to their attention thus far.

SEN. PERRY referred to Page 1, Line 28, in regard to the issue of the declaration. He wondered if a legal guardian could make a declaration on behalf of an individual. **Ms. Bucy** deferred the question.

Ms. Hancock stated that a guardian is not able to complete an advanced directive. They can however, deposit a previous advanced directive into the system once they have provided sufficient proof of guardianship or power of attorney.

SEN. PERRY wondered if that is provided in the bill.

Ms. Hancock asserted that she does not believe it is in the bill.

SEN. CURTISS asked Ms. Bucy if there is potential for Federal grant money to sustain the program.

Ms. Bucy articulated that she believes there is, especially in light of the current events surrounding Terry Schiavo.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 1.6}

Closing by Sponsor:

REP. BUZZAS spoke about amendments and stated at this point she would reject several of the proposed amendments. She commented that this would be a voluntary system; it would simply allow for communication if a patient is unable to express his or her desires.

EXECUTIVE ACTION ON HB 99

Motion: **SEN. MANGAN** moved that HB 99 BE CONCURRED IN.

Discussion: **SEN. SHOCKLEY** spoke about some similar bills and stated that **REP. LANGE** would be in agreement to apply this law to individuals with previous convictions. This would not apply to individuals that refuse to blow.

SEN. McGEE wondered if **REP. LANGE** was supporting the idea to apply this to convictions under Section 1 and Section 2.

SEN. SHOCKLEY clarified that individuals refusing to blow would not be affected by this bill.

CHAIRMAN WHEAT inquired if **SEN. SHOCKLEY** is proposing an amendment.

Motion: **SEN. SHOCKLEY** moved that A CONCEPTUAL AMENDMENT BE ADOPTED.

Discussion: **Ms. Lane** advised that she believed the amendment would be on Page 1, Lines 25-27. She explained where the amendment would fit into the bill and how it would be affected.

SEN. MANGAN wished to urge the Committee to kill this amendment, regardless of what **REP. LANGE** agreed to.

SEN. CROMLEY attested that he is also against the amendment. He agrees with the bill as written.

SEN. O'NEIL said that he supports the amendment.

Vote: Motion failed 4-8 by roll call vote with SEN. MCGEE, SEN. O'NEIL, SEN. PERRY, and SEN. SHOCKLEY voting aye.

SEN. LASLOVICH claimed that he will not support the bill. He believes that judges should have the discretion to sentence individuals; he does not agree with the mandatory 15-day minimum incarceration.

SEN. SHOCKLEY stated that he is unsure of how he will act on this bill and explained why.

Vote: Motion carried 7-5 by roll call vote with SEN. CURTISS, SEN. LASLOVICH, SEN. MCGEE, SEN. O'NEIL, and SEN. PEASE voting no. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 264

{Tape: 4; Side: A; Approx. Time Counter: 1.6 - 19.8}

Motion/Vote: SEN. MOSS moved that HB 264 BE CONCURRED IN. Motion carried 10-2 by roll call vote with SEN. MCGEE and SEN. SHOCKLEY voting no. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 395

Motion: SEN. MANGAN moved that HB 395 BE CONCURRED IN.

Discussion: Ms. Lane directed the Committee to Page 4, Line 19. She explained the proposed conceptual amendment which was provided to them.

EXHIBIT(jus71a09)

Motion/Vote: SEN. MCGEE moved that A CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote. SEN. CROMLEY voted by proxy.

Motion/Vote: SEN. MOSS moved that HB 395 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. CROMLEY voted by proxy.

EXECUTIVE ACTION ON HB 742

{Tape: 4; Side: B; Approx. Time Counter: 0 - 0.8}

Motion: SEN. MANGAN moved that HB 742 BE CONCURRED IN.

Discussion: SEN. McGEE wished to state for the record that this bill does not need further amendments at this time for either rulemaking authority or confidentiality reasons.

SEN. O'NEIL articulated that the bill would be better if they could strike the word "qualified" on Page 2, Line 11.

CHAIRMAN WHEAT stated that may be so. However, the importance of the bill overrides the need to wordsmith the language. He believed that Ms. Bucy can change some of that in the rulemaking portion.

Vote: Motion carried 11-1 by voice vote with SEN. CURTISS voting no. SEN. CROMLEY voted by proxy.

{Tape: 4; Side: B; Approx. Time Counter: 0.8 - 2.3}

SEN. O'NEIL claimed that he would like the Committee to reconsider action on the bill that deals with judicial bypass for abortion. He added that if they do reconsider, he is prepared to offer an amendment.

CHAIRMAN WHEAT chose to exercise his right to reject that motion.

ADJOURNMENT

Adjournment: 11:52 A.M.

SEN. MIKE WHEAT, Chairman

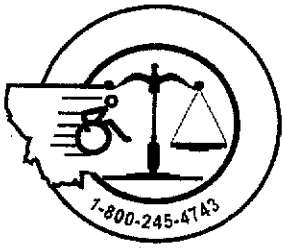
MARI PREWETT, Secretary

KIM LEIGHTON, Transcriber

MW/mp

Additional Exhibits:

EXHIBIT ([jus71aad0.PDF](#))



MEMO No. 1
Date 4-4-05
Bill No. HB 395

MONTANA ADVOCACY PROGRAM

The Civil Rights Protection & Advocacy System for the State of Montana

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Executive Director

Bernadette Franks-Ongoy
Esquire

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Gary James Melbourne
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Dale Shupe
Secretary/Treasurer
Lewistown

Sylvia Danforth
Miles City

Richard Emery, Ph.D.
Helena

John Martin, Esq.
Great Falls

Gay Moddrell
Kalispell

Diana Tavary
Helena

Ken Luraas
Advisory Council Chair
Lewistown

April 4, 2005

Senate Judiciary Committee
Senator Mike Wheat, Chairman

RE: HB 395, Precommitment detention, examination and treatment costs

Dear Chairman Wheat and Committee Members,

The Montana Advocacy Program believes that SB 395, as recently amended, is a good bill. Because we are concerned that there could be efforts to restore some of the original bill provisions, we want you to know why we opposed to the original bill.

HB 395, as originally drafted, created a financial incentive to civilly commit people to the Montana State Hospital by rewarding the county for every commitment petition that resulted in a commitment order (because the state would pay for all costs), but penalized the county for every commitment proceeding that was dismissed by the county attorney or by the judge because the person no longer met commitment criteria (because then the county would have to pay for all costs.)

The original bill removed the only financial disincentive to counties bringing civil commitment proceedings. The \$27 million per year cost of treating individuals after they are committed to the State Hospital is paid entirely by the state and almost entirely with general fund dollars. Precommitment costs are the only commitment costs that counties bear.

The original bill removed an important financial incentive for counties to begin addressing the need for effective crisis response plans and services in their communities. Responding to mental health crisis in the community is as much a county responsibility as responding to fire, flood and other crisis. The local leadership, coordination of local services and financial contribution of county government is critical.

The original bill did nothing to address the problem at the heart of the lack of adequate local mental health crisis services: *the fact that a majority of individuals committed to the Montana State Hospital have no insurance, so the only level of mental health care available to them is the State Hospital.* Clearly, the solution to this problem is going to have to be a county-state partnership.

With an incentive not to dismiss commitment petitions, and no incentive to address gaps in local crisis response and short-term stabilization services, HB 395 would have contributed to the growth of the State Hospital's daily census—which already often exceeds its licensed capacity. SB 395's fiscal note did not include increased general fund appropriations for the State Hospital in its cost estimate.

For people with serious mental illness, civil commitment is the most restrictive, disruptive and traumatic kind of mental health intervention. It entails being removed from the community, being transported to the state Hospital in the back of a patrol car (or on an airplane) in handcuffs and shackles, and completing lengthy, long-distance discharging planning before being allowed to return home. Civil commitment proceedings are expensive for counties, but even more costly to the person committed, who often loses housing, personal property and pets, a job, and even relationships with providers, friends and family as a result of removal from the community.

Mental health crises can and must be addressed locally, by a partnership of local and state government. Any relief from precommitment costs for counties should emerge from that partnership.

As amended, HB 395 will help counties control some of the costs associated with precommitment detention, examination and treatment while also keeping counties invested in helping to find solutions to the statewide problem of inadequate local crisis response.

Thank you for considering these important issues.

Yours truly,



Anita Roessmann
Staff Attorney

Lane, Valencia

Amend No. 2
Date 4-4-05
HB 395

From: Petesch, Greg
Sent: Wednesday, March 30, 2005 6:16 AM
To: Lane, Valencia
Subject: FW: HB0395 - FN DUE ASAP NOW!

The bill got screwed up in House Appropriations. It has nothing to do with what I drafted. You need to amend it to make it work.

-----Original Message-----

From: Andersen, Bob (OBPP)
Sent: Friday, March 25, 2005 4:47 PM
To: Petesch, Greg
Cc: Sim, Scott; Kohman, Paulette; Cater, Russ; DeCunzo, Joyce; Rosseland, Kristi
Subject: RE: HB0395 - FN DUE ASAP NOW!

Greg:

With hesitation I thought I should send this along to you as you are listed as the drafter. The below discussion appears to be outside the fiscal area, more a technical comment on the structure of the bill, and I, for sure, am not trying to enter into the "guts" of how bills are written

There seems to be some confusion, possibly added to by the DPHHS folks who may have been involved in attempting to assist on this, on what this bill says vs what it was meant to say.

Anyway, I thought I would send the comments your way in case you need to discuss it with any of the legal types - Russ or Paulette - who have surfaced this issue.

Thanks, Bob Andersen

-----Original Message-----

From: Sim, Scott
Sent: Thursday, March 24, 2005 3:43 PM
To: Andersen, Bob (OBPP)
Subject: FW: HB0395 - FN DUE ASAP NOW!

this is some interesting stuff too....

-----Original Message-----

From: Cater, Russ
Sent: Thursday, March 24, 2005 1:47 PM
To: Kohman, Paulette
Cc: Sim, Scott; Vukasin, Sheri
Subject: RE: HB0395 - FN DUE ASAP NOW!

I agree .

Russ

-----Original Message-----

From: Kohman, Paulette
Sent: Thursday, March 24, 2005 11:20 AM
To: Vukasin, Sheri
Cc: Cater, Russ
Subject: RE: HB0395 - FN DUE ASAP NOW!

Sheri,

The current amendment has technical concerns, mostly due to a grammatical inconsistency in Section 1, 53-21-132(2). The sentence simply does not make sense as currently written and is probably intended to be at least two sentences -- certain expenses "must be billed" using the passive voice, but there is no designation who is to do the

billing. The only actor in the sentence is the county, but the county is also one of the parties to be billed. I suspect they really wanted to have the facility bill these other parties before the county. It definitely needs cleaning up. If a person reads it precisely as written, only the last expense, the costs associated with testimony, are to be billed to the named entities, and this is one expense which really can't be billed to insurance or any public assistance program.

Assuming the changes mean what I think they do, this reduces the fiscal note almost entirely, as the counties go back to being the payer of last resort for most pre-commitment expenses. However, the addition of the qualifier, "psychiatric" in front of the terms "detention", "examination" and "treatment" MAY be intended to exclude other costs which are not "psychiatric," such as physical health care examination and treatment. I don't know how much "non-psychiatric" care the counties are currently being billed for in pre-commitment cases, but that seems to be the only expense not covered. It would be beneficial to have the drafters explain what non-psychiatric costs they had in mind which they would now be excused from paying. Was there any discussion/explanation of that at Executive action where the most recent amendment was offered? Joyce DeCunzo, Bob Mullen or Ed Amberg may have been there or been involved in the amendment.

The new language also limits the counties responsibility to AN AMOUNT NOT TO EXCEED THE AMOUNT PAID FOR THE SERVICE BY A PUBLIC ASSISTANCE PROGRAM. Can we calculate that for things a public assistance program would not pay for? I would guess the intent was to charge the counties the "Medicaid rate" for per diem, but again, I'm not sure...

If my guesses are correct, the fiscal note would be the amount now being billed to counties for non-psychiatric pre-commitment expenses, reduced to Medicaid rates. Darlene Rutledge would have that information if anyone does.

I'm glad you have your job and I have mine. Good luck!

Paulette Kohman
DPHHS Office of Legal Affairs
PO Box 202951
Helena MT 59620-2951
(406) 444-1258

-----Original Message-----

From: Cater, Russ
Sent: Thursday, March 24, 2005 10:41 AM
To: Kohman, Paulette
Subject: FW: HB0395 - FN DUE ASAP NOW!
Importance: High

-----Original Message-----

From: Vukasin, Sheri
Sent: Thursday, March 24, 2005 10:18 AM
To: Beckert-Graham, Rebecca; Schoen, John; Houser, Frieda; Matthies, Doug; Aafedt, Mary Anne
Cc: Sim, Scott; Cater, Russ
Subject: HB0395 - FN DUE ASAP NOW!
Importance: High

Just received a request from OBPP for a revised FN on this bill. The attached copy has the amendments in it. Also included is a copy of the original FN. Response due back ASAP as the sponsor wants this now. The bill is up for a hearing today.

Thanks,
Sheri V.

<< File: HB0395.02.pdf >> << File: HB0395.02.pdf >>

Sheri L. Vukasin, DPHHS
406/444-2513

MONTANA SENATE 2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 4-4-05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. MICHAEL WHEAT, CHAIRMAN	X		
SEN. BRENT CROMLEY	X		
SEN. AUBYN CURTISS	X		
SEN. JON ELLINGSON	X		
SEN. JESSE LASLOVICH	X		
SEN. JEFF MANGAN	X		
SEN. DAN McGEE	X		
SEN. LYNDA MOSS	X		
SEN. JERRY O'NEIL	X		
SEN. GERALD PEASE	X		
SEN. GARY PERRY	X		
SEN. JIM SHOCKLEY	X		
VALENCIA LANE, LSD			
MARI PREWETT, COMMITTEE SECRETARY			



SENATE STANDING COMMITTEE REPORT

April 4, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 395** (third reading copy -- blue) be concurred in as amended.

Signed: _____

Senator Mike Wheat, Chair

To be carried by Senator Lynda Moss

And, that such amendments read:

1. Page 4, line 19.

Following: line 18

Strike: "by the county in which the person resides at the time
that the person is committed"

Insert: "pursuant to subsection (2) (a) "

2. Page 4, line 21 through line 22.

Following: "of" on line 21

Strike: "THE COUNTY" on line 21 through "PAY ALL" on line 22

Insert: "The costs of"

- END -

Committee Vote:

Yes 12, No 0.

711413SC.ssc

KH



SENATE STANDING COMMITTEE REPORT

April 4, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 99** (third reading copy -- blue) be concurred in.

Signed:

A handwritten signature in black ink, appearing to read "Mike Wheat", is written over a horizontal line.

Senator Mike Wheat, Chair

To be carried by Senator Jeff Mangan

- END -

Committee Vote:
Yes 7, No 5.

711209SC.ssc

Handwritten initials, possibly "KJ", in the bottom right corner.



SENATE STANDING COMMITTEE REPORT

April 4, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 264** (third reading copy -- blue) be concurred in.

Signed:

A handwritten signature in black ink, appearing to read "Mike Wheat", is written over a horizontal line.

Senator Mike Wheat, Chair

To be carried by Senator Lynda Moss

- END -

Committee Vote:
Yes 10, No 2.

711210SC.ssc

Handwritten initials, possibly "LM", in black ink.



SENATE STANDING COMMITTEE REPORT

April 4, 2005

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 742** (third reading copy -- blue) be concurred in.

Signed: _____


Senator Mike Wheat, Chair

To be carried by Senator Carolyn Squires

- END -

Committee Vote:
Yes 12, No 0.

711211SC.ssc

KA

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 4-4-05 BILL NO. HB 99 NUMBER 1

MOTION: Conceptual amendment

NAME	AYE	NO
SEN. JERRY O'NEIL (R)	X	
SEN. LYNDA MOSS (D)		X
SEN. JIM SHOCKLEY (R)	X	
SEN. JON ELLINGSON (D)		X
SEN. GERALD PEASE (D)		X
SEN. JEFF MANGAN (D)		X
SEN. DAN MC GEE (R)	X	
SEN. MICHAEL WHEAT (D), CHAIRMAN		X
SEN. BRENT CROMLEY (D), VICE CHAIRMAN		X
SEN. GARY PERRY (R)	X	
SEN. JESSE LASLOVICH (D)		X
SEN. AUBYN CURTISS (R)		X

4 8

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 4 BILL NO. HB 99 NUMBER 2

MOTION: do concur

NAME	AYE	NO
SEN. JERRY O'NEIL (R)		X
SEN. LYNDA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)	X	
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)		X
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)	X	
SEN. JESSE LASLOVICH (D)		X
SEN. AUBYN CURTISS (R)		X

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE 4-4-05 BILL NO. HB 264 NUMBER 7

MOTION: Do Concur

NAME	AYE	NO
SEN. JERRY O'NEIL (R)	X	
SEN. LYNDIA MOSS (D)	X	
SEN. JIM SHOCKLEY (R)		X
SEN. JON ELLINGSON (D)	X	
SEN. GERALD PEASE (D)	X	
SEN. JEFF MANGAN (D)	X	
SEN. DAN MC GEE (R)		X
SEN. MICHAEL WHEAT (D), CHAIRMAN	X	
SEN. BRENT CROMLEY (D), VICE CHAIRMAN	X	
SEN. GARY PERRY (R)	X	
SEN. JESSE LASLOVICH (D)	X	
SEN. AUBYN CURTISS (R)	X	

PROXY VOTE

I, the undersigned, hereby authorize Senator Manjen to

vote my proxy on any issue before the Senate Tulcan

Committee held on 4/1/, 2005.

HB 99 - Y

242 - Y

Any others - your
decision

264 - Y

345 - Y

Frank Coates
SENATOR
STATE OF MONTANA

DATE

April 4, 2005

SENATE COMMITTEE ON

Judiciary

BILLS BEING HEARD TODAY:

HB 99, HB 264, HB 395,
HB 742

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dennis Paxinos	256-2870	Yellowstone Co./MCAA	99	✓	
Don Hargrove	920-2477	MASP	99	✓	
Lilly Tuholske	594-3506	Life's End Initiative	742	✓	
Susan Hancock	721-2789	Choices Bank	742	✓	
Robert Spitzer	447-4541	AARP	742	✓	
Carl Seilstad	538-5119	Fergus Co	395	✓	
Kris Minard	443-8716	self	99	✓	
Tom Ebzery	441-7531	SVHealthcare	742	✓	
Joyce Delaney	444-3969	DPHHS	395	✓	
Gordon Morris		MALE	395	✓	
Charles Brooks	698-2380	Yellowstone Co	395	✓	
Don Jones	449-2344		395 742	✓ ✓	
Casey Blumenthal	442-1211	MITA			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

YASTERDAYS INITIATING

DATE

April 4, 2005

SENATE COMMITTEE ON JudiciaryBILLS BEING HEARD TODAY: HB 99, HB 264, HB 395, HB 742

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bonnie Adee		MT Ombudsman	HB 395	✓	
Bill Kelly		MACO / Yellowstone Co	395	✓	
Jamie McCall		Deacons Bill of Rights	395	✓	
Pat Melby	442-7450	Retroch Foundation	HB 99	✓	
Pat Melby	442-7450	MT Med Ass'n	HB 742	✓	
Jim Smith	3-1570	County Attys Assoc.	HB 99	✓	
Nanette Smith	3-1570	Cancer Society	742	✓	
John Shultz	2-6320	La Ent.	742	✓	
Eric Stern	442 4521	Gov. OFFICE	742	✓	
Nanette Smith	443-1570	American Cancer Society	HB 742	✓	
Pam Buey	2026	DOJ	742, 99 264	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

VISITOR'S SIGNATURE

Amendments to House Bill No. 395
3rd Reading Copy

For the Senate Judiciary Committee

Prepared by Valencia Lane
April 4, 2005 (2:03pm)

1. Page 4, line 19.

Following: line 18

Strike: "by the county in which the person resides at the time
that the person is committed"

Insert: "pursuant to subsection (2)(a)"

2. Page 4, line 21 through line 22.

Following: "of" on line 21

Strike: "THE COUNTY" on line 21 through "PAY ALL" on line 22

Insert: "The costs of"

- END -